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Respectfully Yours  
Silas Wright

L I F E   A N D   T I M E S

OF

SILAS WRIGHT,

LATE GOVERNOR OF THE STATE OF NEW YORK

BY JABEZ D. HAMMOND

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## P R E F A C E

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It was with great diffidence and reluctance that I undertook the work now offered to the public. My "Political History," which was published in the year 1842, had been better received than I had anticipated. The press of both political parties had treated it not only with liberal indulgence, but with kindness; and I had, perhaps wisely, certainly prudently, determined not to hazard, by another appearance before the public, the forfeiture of the favorable opinion which had been expressed. Within two or three of the last years, friends residing in various parts of the state, belonging to different parties, have urged me to continue my narrative of political parties, but I have uniformly replied, that the difficulty of describing with accuracy and truth the conduct of men now acting a prominent part on the political theatre, without partiality to personal friends, (I am not aware that I have any enemies,) was so great, that I had not the temerity to engage in the enterprise. But immediately after the sudden and unexpected death of the late Governor Wright, several gentlemen, whose opinions were entitled to my highest confidence and regard, requested me to compile the biography of that distinguished statesman. Although I had reason to doubt, and in truth did doubt, my ability to do justice to the memory of that great and good man, and to the reading public, I confess that I felt a desire to make the effort. In considering the course to be pursued in writing the Life of Mr. Wright, it immediately occurred to me, that for the last six or seven years he had been so connected with the political parties in this state, and his actions and fortunes had been so much influenced by the

action and fate of those parties, that his life could not be written as it should be, without at the same time giving a pretty full account of many of the most distinguished politicians in the state and nation, who have recently been active in public life, and who have to a considerable extent influenced public opinion ; and, in fact, that a correct and full history of SILAS WRIGHT from the year 1840 to the close of his administration of the government of this state in 1846, would necessarily be the political history of the state during that period. I was thus led to the attempt which has resulted in the production of what is contained in the following sheets. Those who may take the trouble of perusing them, will find that until the year 1841, to which time, by my former work, the political history of the state is brought down, I have confined myself entirely to the history of the Life of Wright. In continuing the account of his life from the year 1840 to the close of his administration of the government of New York, the history of the political parties which existed during that period is naturally and almost necessarily resumed and continued. After he retired from the gubernatorial chair, there remains to his biographer little other labor than the painful task of recording his death.

So far as relates to that portion of this volume which treats of the political history of the state, I dare not hope that I have done full justice to the subject.

I have not, during any part of the period about which I have written, personally mingled in the controversies which have prevailed. Indeed, I have not frequently within that time visited the seat of government, which is the great theatre of the operations of parties. It is therefore highly probable that some material circumstances, which had an important bearing on the events which have occurred, may not have been known to me. My account of the movements of the whig party, and of the action of distinguished whigs, may not be

so ample as is desirable it should have been; and it will be found, and perhaps be a subject of complaint by some readers, that much more space is occupied in narrating the conduct of the democratic than the whig party. The only reason I can offer for this is, that during much the greater part of the time from the close of the year 1840 to that of 1846, the whigs were in the minority, and therefore their party movements did not and could not engross so much of the attention of a spectator as the operations of that party which controlled the patronage and measures of the state. For the same reason, the dissensions among the whigs themselves were not so visible, and could not be so accurately described as the feuds which have existed in the democratic party. The description of those feuds has imposed on me a task of great delicacy and difficulty. While on one great question about which the two sections of the democratic party differ, it is well known that I agree with the radicals, many, perhaps a majority of my most valued personal friends, belong to that section who have been denominated hunkers. My difficulties and embarrassments in the attempt to give a correct account of these two sections, when I approached the year 1842, in consequence of the various currents, counter-currents, and under-currents which were put in motion, were increased to a degree almost insurmountable. How I have succeeded in working my way through this abyss "of neither sea nor good dry land," must be submitted to an intelligent, and, as by experience I have heretofore found, a liberal community.

With respect to the principal object of this work, THE LIFE OF MR. WRIGHT, I will merely remark, that in my judgment, to describe the man as he really was, and his actions, both in public and private life, as they truly were, was the imperious duty of his biographer; and that a simple narrative, "a plain tale," embracing those objects, is the best eulogy of a great and good man.

The chapter which contains the account of the proceedings of the convention to revise the constitution, is a mere digest of the reports of the doings of that body. It has been made principally from the reports as published by Messrs. Croswell and Sutton.

It is believed that it will be found to present a pretty clear view of the material points decided by the convention, and of the course of reasoning which led to the results to which that assembly arrived, so abbreviated, simplified, and arranged as will enable the student of constitutional law, by a few hours' reading, to acquaint himself with the great and leading principles which controlled the action of the framers of our present constitution.

Many important suggestions and interesting facts have been kindly communicated to me by gentlemen attached to different political parties and sections of parties. In compiling this work, I have made a free and liberal use of those facts and suggestions. It would give me great pleasure were I permitted to mention the names of these gentlemen; but I do not feel authorized to do so without their express consent, and I therefore avail myself of the present occasion to return them my cordial thanks.

The free access to the files of the Albany Argus, the Evening Journal, and the Albany Atlas, which has been courteously accorded to me by the conductors of those journals, has greatly facilitated my labors; but I am more especially indebted to the connections and friends of Gov. Wright, who reside in the county of St. Lawrence, for much valuable information respecting the private life and character of that virtuous citizen and eminent statesman.

J. D. H.

CHERRY VALLEY, May 1, 1848.

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# LIFE OF SILAS WRIGHT.

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## CHAPTER I.

Introduction—Birth and Childhood of Silas Wright—Academical and Collegiate Education—Remarks on School-keeping by Students of the New England Colleges—He studies Law at Sandy Hill—Is admitted an Attorney of the Supreme Court—His Journey through Western New York—Locates himself in Canton, St. Lawrence County—The first Public Offices which he held—His services in the Militia of St. Lawrence County.

WHEN an individual of obscure birth, without the aid of influential relations, without wealth, and without that glory which is sometimes gained by the daring and brilliant achievements of the soldier of fortune, rises to an eminent rank in society, and acquires the esteem and admiration of a great country, the attention of the philosopher as well as the curiosity of the lover of history, is naturally directed to an inquiry into the causes which have produced such auspicious results.

In despotic governments it not unfrequently happens that men in the lowest ranks of life are suddenly elevated to the highest by the fiat of the sovereign of the country : thus a Hebrew slave spends the night in a loathsome dungeon, an inmate with the vilest felons, and the next morning becomes second only in wealth and power to a great monarch ; and in one short hour the slave in Turkey is elevated to the station and authority of prime min-

ister of a mighty empire. The cause of events like these is found in the partiality and freaks of passion of a single individual—the reigning despot. His favorites have “greatness cast upon them.” Not so with the poor and obscure child who is born and grows up to manhood in the United States of America. He can only rise to influence, he can only acquire power, by gaining the good opinion, the esteem and confidence of hundreds of thousands, who at their option withhold or bestow that esteem and confidence. Hence the means by which he gains the preference of his fellow-citizens becomes an interesting subject of inquiry, not only for the gratification of the curiosity of the student of history, but as furnishing a demonstration of the value of our free institutions in encouraging, fostering, and rewarding merit, talent, and virtue, however humble their origin, and as affording to our youth the highest inducement to persevering industry, to the practice of all the public and private virtues, to the acquisition of useful knowledge, and of an elevated, enlarged, and ardent patriotism. With this view the attention of the reader is invited to the History of the Life of **SILAS WRIGHT.**

Mr. Wright was born in the town of Amherst, in the county of Hampshire, and state of Massachusetts, on the 24th day of May, in the year 1795. His father's Christian name was Silas, and therefore the subject of these memoirs was for a long time known in this state\* as Silas Wright, Jr. The ancestors of Mr. Wright belonged to the Pilgrims of New England, and were among the earliest emigrants who fled from England to the bleak

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\* Until the death of his father, which happened within a few years past.

and barren shores of Massachusetts, for the sake of enjoying civil and religious liberty. They must have emigrated in the first part of the seventeenth century. It appears that Mr. Samuel Wright, from whom Mr. Silas Wright traced a direct lineal descent, died at Northampton, in Massachusetts, of which place he had for some time been an inhabitant, in the year 1665.

The father of Mr. Wright, though for a son of the old Pilgrim State he was much restricted in his education even as respects the common branches of learning, is described as a man who possessed a clear and discerning mind, and an excellent judgment. He was bred a mechanic, but in afterlife purchased a farm, and became and continued to be a practical farmer till his death.\*

Mr. Wright's mother was better educated than most of the young women in the country where she resided. She is described as having possessed more than ordinary intellectual power; and she undoubtedly had a great and paramount influence in giving an early direction to the infant mind of Silas, who was soon distinguished as a lad of great promise, and seems to have been so regarded by both his parents; for, from a family consisting of seven children, four sons and three daughters, he was selected as the only one on whom should be bestowed the benefit of a collegiate education.

In February, 1796, when Silas was less than a year old, his father removed from Amherst, his native town, to Weybridge, in Vermont, where he purchased a farm, and where he continued to reside till his death. Thus, although the distinguished individual of whose life we are

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\* In Vermont he was several times elected a member of the legislature of that state.

now attempting to give a sketch, was not a native of Vermont, having received his education there, and lived there from the time he was nine months old until he commenced the study of his profession, he may be regarded as a son of the Green Mountain State.

Mr. Wright, until he was fourteen years old, lived in his father's family; and, in accordance with a custom almost universally prevalent in Vermont, as soon as he had acquired sufficient age and strength to labor at all, worked daily on the farm in summer, and attended the district school in the winter.

At about the age of fourteen he entered as a student in the academy at Middlebury, in Vermont, and was so successful in the prosecution of his academical studies, that in August, 1811, he was admitted as a member of the Freshman Class at Middlebury College, at which institution he was graduated in the year 1815.

In order to aid young men of limited pecuniary means in defraying their expenses while at college, it is usual in most of the eastern colleges to permit the students to be absent during the winter, provided they desire to employ that portion of their time in teaching, and provided their diligence and success in prosecuting their studies during their actual attendance at college, have been such as to warrant the expectation that at the end of the collegiate year they will be able to pass such an examination as will merit the approbation of the faculty of the institution. Mr. Wright availed himself of this custom, and taught a common district school one winter, at Provost's Corners, in Addison county, and two winters at the town of Orville, in Rutland county, in the state of Vermont.

We admire this custom, which has long prevailed in the colleges in New England. We wish the practice

could be introduced into the colleges of this state.\* In our judgment it is in various ways calculated to be useful. It furnishes the indigent student with means, acquired by his own labor and industry, to defray the expenses of his education, and thus enables him to pursue his studies, and preserve his personal independence, and to avoid the degradation, at least in feeling, of living on the charitable donations from ladies' societies, or other benevolent institutions. It gives to the district schools competent and able teachers; and the exercise of teaching and of governing a school furnishes the teacher himself with perhaps the best means of obtaining a correct insight into the human character from its developments by children and unsophisticated youth, while it leaves the young teacher, who is himself a learner, sufficient leisure to consider and reflect upon the studies he has pursued the preceding summer and autumn.

Some of the most eminent men in New England, among whom we may mention the elder Adams, have commenced their business life by teaching a common school while they were themselves students at college. We have no direct information respecting the success of Mr. Wright as a teacher, but from the patience, diligence, skill, and address with which, in afterlife, he pursued his various avocations, we have no doubt he discharged his duty as a schoolmaster in a manner useful to his pupils, and satisfactory to his employers: and if so, who shall say but that Silas Wright, in this humble employment, may not, during the short time he was engaged in it, have done as much real good, as when subsequently oc-

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\* The author has been recently informed that this laudable custom has been partially adopted in Union and Hamilton colleges.

cupying some of the most conspicuous and important stations in the country, he justly merited and received the plaudits of a great nation?

A worthy and much-respected clergyman,\* who was in college with Mr. Wright, in a letter to the author, written since the death of Mr. W., says:—

“ My first acquaintance with him [Wright] commenced when we were lads together. At that early period his frankness, his unbending regard to truth, and his perfectly upright and fair dealing, were not only conspicuous, but were proverbial among his associates. His natural temper was mild and attractive. In the academy, while pursuing studies preparatory to entering college, he was an industrious student, and several times was the successful competitor for the small prizes proffered to excite emulation. In college he stood fair as a scholar, and high as a young man of correct moral principles and irreproachable habits.”

Mr. Wright was a member of Middlebury College during those years in which the United States were at war with Great Britain. Political disputes, during that period, were very rife in the northern and eastern states, and in no state were they more bitter than in the state of Vermont. Party feeling was probably the more ardent and excited there in consequence of the approach of a British army, during the period we have mentioned, near the western line of Vermont. Although it is to be regretted that political differences, and especially that partisan zeal and prejudices should ever be permitted to enter our literary institutions, or occupy for a moment the attention of students at our universities, it is, nevertheless, not sur-

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\* Rev. H. S. Johnson of Canton.

prising that at this time the minds of the ardent and spirited young men who were students at Middlebury College, should have participated in the excitement which prevailed all around them. They did indeed mingle in the contest, and attached themselves to one or the other of the two great parties, as to them respectively seemed right and proper. Mr. Wright took ground in support of the war, of Mr. Madison's administration, and the Republican party. It is by no means improbable that the contest in which he then engaged, with a formidable majority of his fellow-students, had a considerable influence in fastening on his mind a predilection for that party which he believed was the Republican party, and which, it appears, had a controlling effect upon his conduct during the remainder of his life.

Immediately after Mr. Wright was graduated at Middlebury College, and in the month of October, 1815, he came into the state of New York, and commenced the study of law in the office of the Hon. Henry C. Martindale, a gentleman who held a respectable standing as a lawyer, and who was afterwards for several successive terms elected a member of the House of Representatives in the Congress of the United States, for the district in which he resided. Mr. Wright pursued his studies in the office of Mr. Martindale, at Sandy Hill, in Washington county, about a year and a half, when he left the office of Mr. Martindale, and completed the study of his profession under the direction of Roger Skinner, afterwards elected a member of the Senate of this state, and subsequently appointed United States Judge of the Northern District of New York. Judge Skinner then, and for some time after Mr. Wright was admitted an attorney of the Supreme Court, kept an office in the village of

Sandy Hill.\* We are aware that it has been stated that Mr. Wright read law with Judge Skinner in the city of Albany, but this is an error; Mr. Wright never was in Albany, except merely to pass through it, until he came there as a member of the State Senate in the year 1824. The author takes leave to remark in passing, that before Mr. Wright was known to him as a legislator or a politician, he has frequently heard Judge Skinner speak in terms of high commendation both of his head and heart. In the January term of 1819, Mr. Wright was admitted an attorney of the Supreme Court.

After, and indeed before Mr. Wright had obtained his license, his health had become so much impaired, probably in consequence of confinement in a law-office, and the laborious discharge of his duties as a clerk, together with a too severe application to his studies, that his friends became alarmed on his account, and urged him to undertake a journey on horseback through the western parts of the state of New York. He followed their advice, probably with the less reluctance, as he must then have been anxious to discover the most eligible place in which he could commence business with a reasonable prospect of success, and because he was desirous personally to see and explore the great West, of which he had heard so much. To him it was not only a journey in pursuit of health, but it was an expedition in search of a place which he might select for his future residence. On setting out upon such a journey, and for such purposes, his feelings must have been highly excited. He was desti-

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\* While Mr. Wright was reading law under the direction of Judge Skinner, in order to preserve his pecuniary independence, he again devoted several months to the business of teaching a school at Fort Miller.

tute of wealth and influential connections; but "the world was all before him where to choose his place of rest, and Providence his guide." What must have been the hopes and fears which alternately agitated the noble mind of the young Vermonter, can by men who in youth have undertaken similar enterprises, better be imagined than described. \*

After travelling through a considerable part of western New York, Mr. Wright in returning directed his course northerly, which finally brought him into the county of St. Lawrence, the greater part of which was then an unbroken wilderness.

A few houses were at that time erected on the spot where the fine and flourishing village of Canton now stands. Thither Mr. Wright directed his steps. The courts in the county of St. Lawrence were then held at Ogdensburg, and no doubt the forecast of Wright enabled him to perceive that the seat of justice would ere long be removed to a more central part of the county. Canton was much nearer the geographical centre than Ogdensburg, and his sagacious mind must soon have arrived at the conclusion that the county-seat would probably be soon removed from the latter to the former village. It is to be presumed that some such considerations as we have suggested led him to visit Canton. When he arrived there, he was delighted to find located in that place an old and much esteemed friend of his father, Capt. Medad Moody, who several years before had removed from Weybridge in Vermont, to the county of St. Lawrence. Mr. Moody was no less pleased on seeing and welcoming to his house the son of his valued neighbor and associate of former days. Mr. Wright also found in this village others of the friends and neighbors of his father, whom he

had known in the days of his childhood,—perhaps the happiest portion of human life. The recollection of those days reminds us of home; they bring vividly to our view, and we again enjoy, sweet home as it was in the days of innocence and peace, when the heart, only alive to the enjoyment of innocent pleasures, was unacquainted with the struggles of ambitious rivalry, jealousy, and envy. The love of home is the source and foundation of all the emotions of patriotism which spring up in the human heart.

Mr. Moody expressed to Mr. Wright his anxious desire that he should locate himself permanently in the village of Canton; and as an inducement to Mr. W. to accede to his wishes, he offered to build, and did eventually “build a small office for him,” says Mr. Horace Moody, the son of Capt. Moody, and a brother to her who was afterwards the wife of the lamented Wright, in a letter to the author, “with two rooms, one of which he occupied for his sleeping apartment, and the other for a law-office. He continued,” says young Mr. Moody, “to occupy the law-office until his duties as comptroller took him to Albany.” After Mr. Wright made up his mind to settle in Canton, he remained a short time in the family of Mr. Moody; but in October, 1819, as Mr. Horace Moody states, “he returned to Vermont, when his brother Samuel, with his own conveyance, brought him again to Canton, and he took up his abode in the family of Mr. Moody, which he made his home until he commenced keeping house for himself. Upon leaving his father’s house, his mother gave him a sufficient quantity of bedding for his own use, which was all he brought with him, and all the personal property he had in the world. At a subsequent visit to his parents,” continues

Mr. H. Moody, "his father presented him with a fine young horse, which he brought to Canton, and although in after-life, there was but little of the time that he did not own a first-rate yoke of working oxen, *that was the only horse he ever had.*"

Here in a little village, surrounded by the extensive and dense forests with which the great county of St. Lawrence was then covered, in the fall of the year, Silas Wright, with the few necessary articles of furniture given him by his kind and affectionate mother, an office built for him by Capt. Moody, and probably some dozen volumes of law-books—a young stranger from Vermont, in 1819, commenced his business life. Who, at that time, would have dared to predict that in less than twenty-five years he would be governor of the Empire State, and that the anxious eyes of millions would be turned to him as the man most deserving of the highest station to which a human being can be elevated? Such, notwithstanding, is now sober history.

The first civil office held by Mr. Wright was that of Surrogate of the county of St. Lawrence. To this office he was appointed in the year 1820. It is worthy of remark, that this office must have been conferred on Mr. Wright in consequence of his merit, at the general request of the community in which he resided, and not from party considerations, for Mr. Wright was, according to the political nomenclature of the day, denominated a *Bucktail*, and De Witt Clinton was then governor, with a council of appointment who were his warm political friends. (See 1 Pol. Hist. 518.)

In 1821, Feb. 28, Mr. Wright was appointed a justice of the peace and commissioner of deeds; but at this time a majority of the council of appointment were bucktails,

and Roger Skinner, the friend and patron of Mr. Wright, was its most influential and leading member. In 1824, Mr. Wright offered his resignation of these offices, but it was not accepted until 1825.

He was also appointed postmaster at Canton, an office which he held till he resigned it in 1827.

In 1821-2-3, he was elected town clerk, and inspector of common schools.

We will venture the assertion, that the only office (except that of pathmaster) which he ever intimated he was desirous to obtain, was that of *inspector of common schools*.

There was another branch of the duty of a citizen of a republic to which Gov. Wright devoted much of his time and attention until the discharge of his official duties called him away from the county of St. Lawrence, which was service in, and the improvement of, the militia.

In the year 1822, he raised and organized an independent company of riflemen, of which he was elected and commissioned captain. He commanded this company until the fall of 1825, (which was while he was a member of the senate of this state.) when an independent regiment was organized, known as the 7th Rifle Regiment.

The following memoranda of the offices held by Mr. Wright, and his services in the militia, were kindly furnished us by a young gentleman of Canton, who was a native of that town. We copy literally from our correspondent :

"At the first election of 'field officers' for the new regiment, Mr. Wright was elected Major. He did military duty as major one year. In the fall of 1826, he was elected Colonel. He commanded the regiment until the fall of 1827, when he was elected and commissioned

Brigadier-general of the 49th Brigade and 12th Division of the New York Militia. He commanded the brigade until the year 1829, when he resigned his commission.\* Mr. Wright was an excellent disciplinarian, and was universally respected by all under his command.

"During the eight years which Mr. Wright did military duty, he was never known to make use of a harsh or unkind word towards any officer or soldier under his command.

"One thing is worthy of remark—that of the old rifle company raised and organized by Mr. Wright, *not a single member was ever known to vote against him when he was a candidate for an elective office, although many of them belonged to the party opposed to him in politics.*

"In his military, as well as in all other public stations which he filled, he had a sacred regard for the feelings of those with whom he was associated, and would not willingly do any act calculated to wound the feelings of even the most sensitive.

"One incident which the writer well remembers, occurred at a *general review* of the 7th Rifle Regiment, in 1828. By the militia laws of New York at that time, the commissioned, non-commissioned officers, and musicians of each regiment in the state, *drilled* three days, and the fourth was the general review. The 7th Rifle Regiment was a new uniformed regiment, and was quite large, numbering in all sixteen companies. The officers of each company had a tent pitched on the field, and the line of the regiment was formed in front

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\* He was about that time appointed Comptroller, and it became necessary for him to reside constantly in Albany.—EDITOR.

of the line of tents. It was in the month of October, and the weather quite cold. There was a tremendous dark heavy cloud hanging over the field. The order was given, '*Prepare for the standing review?*' The regiment was immediately put in order, and as the general and his staff approached the right of the regiment, and had uncovered their heads, the wind commenced blowing a '*hurricane*', and the *rain* and *hail* fell in torrents. At this moment every company *but one* in the whole line *fled to their tents*. But the general and one of his staff (the brigade inspector,) moved slowly down the line with uncovered heads, until they arrived in front of the *only* company left in the whole line,—which, by-the-by, was his *old Rifle Company*: he reined up his horse, while the *rain* and *hail* were pelting his naked head, and addressed them thus:—  
‘That’s right, boys! That’s the kind of soldiers I like. I knew I should have one company to review if it rained *pitchforks*, unless they came *tines downwards*.’

“The rain ceased, and the line was again formed, and the general passed over the ground a second time.

“After the review, the regiment was formed in ‘hollow square,’ and the general, in his calm, cool manner, made a handsome address to the regiment. As he commenced, all eyes were turned towards him, and every ear was open, expecting to hear something in the shape of a reprimand for leaving the ranks without orders. But they were all happily disappointed, for not a harsh word escaped his lips on that occasion. In the course of his address he alluded to the unfortunate day, and much regretted the damage done to their uniforms. He remarked very good-naturedly that he did not think they had ‘gained much by leaving the ranks, for they

appeared to be about as thoroughly *soaked* as he was, who had not left the line during the storm.'"

We add a single remark : From the facts above stated, it is evident that Mr. Wright was fond of military exercises, and of military distinction. We were personally acquainted with him from the time he was elected to the senate in 1823, and while he was comptroller, and of course a resident of Albany, where we also resided, and were in habits of personal intercourse with him until he retired to Canton in the autumn of 1846 ; and yet we never heard or suspected that he had ever held any office in the militia. We knew him only as a citizen in civil life. We knew him as plain *Mr.* Wright, and not by the pompous title of *General* Wright. We mention this circumstance as evidence of the innate and peculiar modesty which in all situations governed the conduct and social intercourse of **SILAS WRIGHT** during his whole life.

## CHAPTER II.

## SILAS WRIGHT AT HOME.

FROM the first of January, 1824, to the first of the same month in the year 1847, the greater part of Mr. Wright's time was spent either at Albany or Washington, in the discharge of the high and responsible duties which devolved upon him as a member of the New York state senate, as the comptroller of the state, an office which draws within its vortex nearly all the important operations of the government, as a member of the House of Representatives, as senator of the United States, or as governor of the state. Overwhelmed with official business, and immersed in the wild and tempestuous ocean of polities, little can be seen or known of his domestic qualities and habits during that long period. The short time which during some of these years he was enabled to spend at home, made him rather a visiter than an inmate in his own house. It was only from the autumn of 1819 to that of 1823, that Mr. Wright can be said to have lived *at home*. But it is there where you see the man as he is. It is there where impatience, envy, irascibility, and all the bad passions to which poor human nature is subject, are too often displayed without restraint; and it is there where the kindly emotions of the heart are exhibited, and where they exist unadulterated with any sinister motive. It is by the domestic fireside—it is in the social intercourse with one's family and neighbors and intimate friends,

where there is no inducement for affectation or disguise, that the beams of "the soul's calm sunshine" are most conspicuous and most sensibly felt. To see Silas Wright as Silas Wright, we must look at him in the family of the old neighbor and friend of his father, Capt. Moody, in the remote and quiet village of Canton. We therefore insert the gleanings we have made from several obliging correspondents, one of whom is the son of Mr. Moody, and another was the clergyman of the village, whom we have before mentioned as the classmate of the subject of these memoirs.

As respects Mr. Wright's professional efforts, a gentleman who was at one time sheriff of St. Lawrence, and afterwards a member of the assembly and senate from that county,\* says:—"His habits were extremely plain, simple, and unambitious. He did not seem to seek business for profit or distinction. He was apparently *unconscious of his own powers.*† He had acquired but little practice, and not a very extensive acquaintance in the county when he was nominated, in 1823, to the senate. \* \* \* \* \*

"Of his early efforts at the bar I can say little. They were of a modest business character, without apparently aspiring to distinction; and yet even then, when he spent much of his time in what seemed to be an indolent manner, he showed that strict attention and punctuality in what he had to do, which characterized him through life. The smallest call, even with the slightest

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\* Hon. D. C. Judson.

† This we believe to be the peculiar characteristic of great minds. What they see is to their mental vision so obvious, that they think the most common minds cannot avoid perceiving and reasoning as they do.

claims upon him, was never neglected. His physical powers, as well as his mental, were always at the service of his friends and neighbors, and no man could be more beloved among them than he was."

"During the several years he was a justice of the peace," says the Rev. H. S. Johnson, "he discharged the duties of the office to the entire satisfaction of all who employed him. As a justice and as a lawyer he made the most active and successful efforts to suppress and do away all unworthy and scurrilous litigation. One specimen of his efforts for this object may be given. He was employed as counsel for the defendant in a suit of this character. He exhibited the doings of his client in the transaction in a true light. Then he took up the character of the plaintiff, and treated it with the same impartiality. He said the whole transaction between the parties was unworthy and base in the extreme. Then in a very summary manner he pointed out that his client, of the two bad men, had been the most injured. The defendant was successful; but after the jury had given their verdict, he expressed great anger at Mr. Wright, and said to him, 'I did not employ you to rake my character, nor do I thank you for doing it.' Mr. Wright replied, 'My dear sir, your character in this whole transaction has been so bad, and is seen and felt by this court and jury to be so unworthy, *that had I palliated it in the least, you would have lost your cause.* My abhorrence of such conduct is like that of every reflecting man, and I hope you will profit by the disclosures of this day, so as not again to be subjected to a like embarrassment.'

"The Hon. Benjamin Raymond was for a number of years one of the judges of the Common Pleas in this county, [St. Lawrence.] He was one of the most

talented, discerning, and shrewd of men. About the first time Mr. Wright attended the circuit in this county, Judge Raymond had something of an intricate and difficult cause on trial. Unexpectedly his counsel failed to attend. In this emergency he employed Mr. Wright, who conducted the cause with scarcely an hour's time to prepare for it. In relating to me the affair afterwards, Judge Raymond said, 'I dislike the polities of that young man, but he has a most powerful intellect—a far-seeing mind, *and he must and will rise to the first ranks of distinction.*' He did rise, so that in two years he was second to no one of the able and experienced bar in the country.

"The first particular in which Mr. Wright excited admiration as a lawyer, was his happy talent at examining witnesses. Soon after he commenced the practice of law, it was perceived that in that respect he excelled all others. His questions were perfectly adapted to the ability of the person he was examining; nor could any witness evade his questions. In a short time he would draw out, clearly and fully, all the witness knew about the cause. At the same time he became equally noted for the clear and convincing manner in which he would lay open a difficult cause to a jury. Early it became a common remark, that Mr. Wright had more influence with the jury than any other lawyer who practised in St. Lawrence county." \* \* \* \* "In all the offices, whether civil or military, which Mr. Wright held, the duties of which in an especial manner pertained to his own county, he discharged those duties without any apparent effort to please, to the entire satisfaction of all concerned, and so as to render himself the object of universal and affectionate regard. It has been a common remark of those most intimate with him, that he never

sought promotion, and that he generally accepted it with reluctance.

“ While Mr. Wright’s manner of intercourse was of the most accessible and familiar kind, he was an unyielding and fearless opposer of every species of intrigue, dishonesty, and unfairness of dealing. In all his political movements he was perfectly frank, and always stated his object distinctly, clearly, and truly. Perhaps by this means he often gained his object, from the fact that his declarations were so perfectly unequivocal that his opponents did not believe him to be laboring for the object which he professed to be pursuing. Although it is well known that this same trait characterized his political movements when abroad in afterlife, the above remarks are made with especial reference to his early political career in St. Lawrence county.

“ In his more immediate associations in the neighborhood and town, he threw around him no reserve, but was perfectly accessible and familiar with any and every one, whether political friend or political opponent. He took an active and lively interest in all objects of public concern in the town. He was often District Pathmaster, and labored with his own hands with as much satisfaction and efficiency as any farmer in repairing and making the road. Difficult, hard, or even muddy work had no terrors for him. Among the farmers he was called one of the best hands on the road.

“ Mr. Wright’s feelings were unusually kind to all his acquaintance. Was any one in trouble, he would sympathize with them, and advise them wisely. The remark has often been made, from which no one was ever known to dissent, that in all his promotion, Mr. Wright never forgot his early and most humble friends. He had not

been in Canton more than a very few years, before there was an almost universal resort to him for advice in the common concerns of men. Scarce any man, political friend or enemy, would undertake any thing in his business, a little out of the common course, without consulting Mr. Wright, and he was ever ready to give such advice familiarly and freely. This was the case with the most dependent day-laborer, and from him through all grades up to the most affluent merchant and farmer. It has never been heard from an individual that Mr. Wright gave him bad advice; on the other hand, almost every one will speak of the benefit he has derived from the advice given by Mr. Wright.

"When Mr. Wright became an inhabitant of Canton, there was no settled clergyman in the town. A small number were accustomed to assemble on the Sabbath, and hold what is called a '*deacon-meeting*.' In these meetings Mr. Wright took an interest; he attended them constantly. Soon he was invited to read a sermon. This he cheerfully did, and continued to read a sermon in the absence of the minister, whenever in town on the Sabbath, as long as he lived. Such an attachment to Mr. Wright on this account. When in town they were always sure to see him at church on the Sabbath, and in case of the minister's absence, they expected to hear him read a sermon.

"The attachment between Mr. Wright and the people was lively, ardent, and reciprocal. If any were suffering, he would do all he could to relieve them, with either money or the labor of his own hands. Often was he accustomed to watch at the sick-bed of the languishing: whether that bed was among the conveniences of life or

secluded in the wants of penury, it made no difference to him. The charitable and benevolent objects of the day were sure to receive a contribution from his hand; by such means all classes became attached to him, from the oldest to the mere child. When Mr. Wright has been expected after an absence, I have often heard little boys of eight or ten years old inquire with the deepest interest. When will Mr. Wright be in town? This was common with the children, as they all expected his notice when he came. He overlooked no interest, but felt for all; and this feeling was not affected, but real, and all believed it to be such. When he was at Albany, New York, or Washington, all the little errands that any in Canton wished done there, they would send to him; he would cheerfully do them, and derive pleasure from the service. Soon after Mr. Wright's last return from Albany, I called on him, and found him intensely engaged in writing: he bid me take a seat, and said he would shortly be at leisure. Immediately two fine children of the neighbors, seven or eight years old, came in; Mr. Wright addressed them in his usual affable manner, but did not stop his writing. These little ones drew their chairs to his desk, one on either side of him, and were soon amusing themselves by fingering his hair, and continued to do so without disturbing him at all, until he had finished his writing.

"In every department, whatever business came into his hands was immediately performed, and no deficiency or flaw was ever found in any thing which passed through his hands. He was one of the most careful, thorough, and accurate of men. All the political works and periodicals of the day were read by him as soon as they came to hand. Besides, he read all the recent publications

containing matters of general interest. Few men could be more familiar with the present state of the world than Mr. Wright. His knowledge was particular and accurate ; added to this, his correspondence was immense for one individual. This is intended with regard to some of his last years. Most men would feel that they had enough to do to read and answer all his letters ; yet he seemed to do it without being diverted from his ordinary business. For months in succession he would labor on his farm, both early and late, every day, and not omit or delay his reading or his correspondence. His intimate friends have often expressed the utmost surprise how he could accomplish so much. When in the field on his farm, he would perform and work as long as the stoutest farmers. There was no fiction about his labor ; it was real, thorough hard work. He did not, like some would-be gentlemen, put on his gloves, go into the field, and merely wish the work well. Mr. Wright felt the utmost abhorrence of any thing like fiction in equipage, manners, politics, or the style and mode of living. He was, in a pre-eminent sense, a man of reality. All about his house and home was plain, simple, and neat. The remark has often been made by his neighbors, that all the carriage he ever owned was an ox-wagon and a wheelbarrow : his wheelbarrow was generally rolled by himself. When he came home last spring from Albany, Mrs. Wright remarked to a neighbor that she did not know what Mr. Wright would do, for his wheelbarrow was broken. It seems, however, that he knew what to do, for in a short time he either repaired it, or obtained a new one, and was actively engaged with it in the garden.

"A few days before he left home for Washington the last time as senator, while finishing a house that he was

building in the village, a gentleman from a distance came to see Senator Wright. He went into the house, and inquired of the workmen for Mr. Wright. One of them replied, ‘There is Mr. Wright in the yard, working at the mortar-bed.’ ‘But,’ said the gentleman, ‘I mean the Hon. Silas Wright.’—‘Well, that is him.’—‘I mean Senator Wright.’—‘Well, that is Senator Wright.’—On repairing to the mortar-bed, this gentleman quickly discovered that the workman had not imposed upon him.

“Mr. Wright’s manners were such as rendered him not only acceptable but agreeable to all classes. Strangers of high refinement have sometimes expected to find him a coarse plebeian, but after being with him a short time, they have frequently been heard to declare that he was a most agreeable and accomplished gentleman. Any persons in his company, whether high or low, felt perfectly at ease; they thought little about being in the presence of greatness, but felt that they were with one whose company was pleasing. His discerning political opponents have often remarked, that Mr. Wright knew better than any other man, how always to talk on the subject which would be the most deeply interesting to any one and every one who might meet him.”

“At the time he [Mr. Wright] commenced house-keeping,” says Mr. Horace Moody, “he moved his furniture upon a wheelbarrow with his own hands, and although he almost always owned a lumber or ox-wagon, *the wheelbarrow was the only pleasure carriage he ever possessed*; and his first business, after his annual return from Washington, while he was senator, was to take his wheelbarrow, and go to the village mill, and purchase his flour and meal. His pork was on hand, as that was fat-

tened by himself, and packed up in the cellar previous to his leaving for Washington in the fall."

In addition to what we have quoted from Mr. Johnson, of the evidence afforded by Mr. Wright of his disposition to support the religious institutions in the neighborhood of Canton, we can state, on the authority of Mr. Moody, that Mr. W. and another gentleman whose name Mr. Moody has (accidentally) neglected to mention, having purchased a lot of land on the south side of the village of Canton, gratuitously conveyed four acres of it to the Presbyterian society, upon one acre of which they directed a church and parsonage-house to be erected, and the remaining three acres to remain a public square.

Mr. Moody has had the kindness to furnish us with many other anecdotes relating to the habits of Mr. Wright, and his avocations and employment while at home,—all tending to prove the benevolence of his nature, and the deep interest he took in the prosperity of the village, and the welfare of its inhabitants,—a few of which we cannot deny ourselves the pleasure of presenting to the reader.

"After," says Mr. Moody, "the legislature had passed a law directing the county buildings to be located in a more central part of the county, and the commissioners had located them at Canton, the inhabitants of other sections of the county boasted that Canton had no materials for the buildings, and that before they could procure them the legislature would assemble and change the law directing a central location. Having ascertained how the matter stood in regard to materials, &c., Mr. Wright called a meeting of the inhabitants of the town, and after having stated the case, he made an urgent appeal to them to make an effort to help the matter forward, and closed his remarks by saying, 'I will go to the Stone

Ledge to-morrow morning with a spade, shovel, crowbar, and pickaxe, and will work there until there is not a doubt left as to the ability of Canton to furnish the materials necessary for these buildings: who will go with me?' The meeting unanimously responded, 'We will all go.' The next morning he led the way to the ledge, followed by his neighbors, and was the first man to break ground in clearing the earth away from the quarry. On the first day there was quarried and delivered upon the site selected for the buildings, six miles distant from the ledge, in the village of Canton, twenty wagon loads of stone, on the second day eighty loads, and on the third day one hundred and twenty loads. Other materials were procured with like dispatch, and very soon those who had doubted the ability of the inhabitants of Canton to furnish them, admitted that they had nothing to hope from that quarter.

"Mr. Wright labored in that quarry, and assisted in loading the teams for twenty-one successive days; and when the building commissioner called upon him for an account of his work, he declined receiving any pay for his services.

"In his law business he never charged or would receive pay for advice, and has discouraged hundreds of men who wanted to commence suits against their neighbors for some petty trespass, by advising them to settle the matter in dispute, and not disturb the neighborhood with a trifling quarrel; and while he was a magistrate his court was emphatically a court of '*conciliation*'.

"At the time of leaving for Washington, after his first election to Congress, he made a thorough examination of all his notes and accounts, and found about \$600 in small amounts against the different individuals for whom he had done business. He said to a friend who was present

at the time, ‘Here are notes and accounts against different individuals varying from \$1 to \$5, to the amount of \$600. Now, these men have done more for me than I have for them, and they must be relieved from these little debts,’ and without waiting for his friend to make any suggestion as to what was the best mode of relief for them, he opened the stove door and reduced the package to ashes.

“He was very kind and attentive to the sick, frequently walking miles from the village to watch by their bedside; and there is scarcely an old resident now living in this town, but will relate, with tears in his eyes, instances of his kindness to them in their sick hours.”

We shall give one other anecdote of Mr. Wright, not because there is any thing very remarkable in the story, but because we think the course pursued by him towards his associates forcibly illustrates the principles by which he was afterwards governed in his treatment of his political friends, who were laboring with him and in the same cause.

Mr. Wright’s favorite amusements were hunting and fishing, and he rarely returned from those expeditions, which sometimes lasted several days, without a goodly number of trophies. He was capable of enduring much hardship, deprivation, and fatigue while in the woods. Upon one occasion, while making a trip to the “South woods,” as they are called,—an extensive wilderness in the south part of the county of St. Lawrence, he, in company with several other hunters, was out about ten days; and as each one was obliged to carry a large pack, he would make an examination every morning of each man’s pack, and arrange them so that his own would be the largest and the heaviest. Many persons now living

can testify that in his subsequent political and legislative labors, in the division of that labor between him and his associates, he always took the most onerous burden on himself. *His pack was always largest and heaviest.*

We are aware that to some readers many of the anecdotes we have related may appear trifling and frivolous; but in our judgment the true character of an individual is best developed by his conduct in the ordinary concerns of life. The actions then performed, and the words spoken, are unpremeditated—the result of the natural impulses and emotions of the heart.

## CHAPTER III.

Commencement of Mr. Wright's Political Life—His Nomination and Election to the Senate of New York from the Fourth Senatorial District—His action on the Bill providing for the Election of Presidential Electors by the People—His attachment to the Democratic Party—H. Seymour's Opinion of Mr. Wright—Governor Yates and Colonel Young—Mr. Wright supports the renomination of Mr. Yates for Governor—De Witt Clinton's Removal from the Office of Canal Commissioner—Attempt to elect a Senator of the United States—Electoral Law of 1825—Its Repeal in 1828—Reflections thereon—Numerous Applications for Bank Charters in the year 1826—Mr. Wright's Action upon those Applications.

HAVING in the preceding chapter endeavored to acquaint the reader with the domestic habits of Governor Wright, and in doing so alluded to several incidents which occurred after he entered into public life, and in advance of our narrative: we now resume it in the autumn of the year 1823, when he was nominated and elected to the senate of this state, and when his political life may be said to have commenced.

He had not at that time, as we are informed by an intelligent correspondent from St. Lawrence county, participated much in the party contests of the county. He was therefore little known, even in his own county, as a politician. It was, however, generally understood that he was moderately opposed to Mr. Clinton, and therefore he was considered as belonging to the Bucktail party.

At the general election in April, 1821, we think a majority of the people of the county of St. Lawrence were

Clintonian. At any rate, David C. Judson of that county, who was a decided Clintonian, was elected a senator from the eastern district. After the adoption by the people, in the winter of 1822, of the constitution of 1821, a large majority of Mr. Clinton's republican friends in the legislature, of whom Mr. Judson was one, entertained the opinion that it was for the public good, as well as in accordance with their own interest, to abandon the contest with the Bucktails, and to make an effort to reunite the old republican party. But to effect this object, it was necessary that Mr. Clinton should withdraw himself from the contest; and accordingly during the session of 1822, a meeting was held in Albany, consisting of the Clintonian members of the legislature, and some of the most respectable citizens of Albany, which appointed a committee to call upon Mr. Clinton to inquire of him whether he would consent to be a candidate for re-election. As was anticipated, he declined.\*

In 1823, the candidates for the senate were selected in the following manner:—The members from the district from which the senator was to be chosen met in caucus, and designated the county which should have the right of nominating a senator. After which a convention was held, in the county thus designated, and the senatorial candidate was then nominated.

At the convention held in the fall of 1823, in the county of St. Lawrence, the delegates were composed of republican Clintonians as well as Bucktails; and as an evidence of union between these two classes of men, Judge Bailey, a leading Bucktail, was chosen for one of the secretaries, and Mr. Judson for the other. A consid-

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\* See 1 Political History, pp. 97-8.

erable part of the convention, consisting, as we suppose, mostly of the Clintonian portion of it, were for nominating Mr. Judson; but he declined, probably partly with a view of effectually putting an end to all jealousy between the two sections of the democratic party, and proposed Mr. Wright, who, as we have before observed, was known as a Bucktail, but whose candor and liberality rendered him more acceptable to the Clintonians than any other gentleman belonging to the Bucktail party. The members of the convention belonging to the Bucktail party readily concurred in the proposal to select Mr. Wright as the senatorial candidate of the county, and he was accordingly unanimously nominated. All this was done without any interference on the part of Mr. Wright.

Mr. Monroe was then President of the United States, but his second term was to expire on the 4th of March, 1825, and of course a successor was to be chosen in 1824. Already five candidates had been announced for the succession, Wm. H. Crawford, John Quincy Adams, Andrew Jackson, Henry Clay, and John C. Calhoun, who withdrew his name during the canvass, and each had his partisans and supporters in the state of New York, as well as in other states of the Union. A majority of the strong and influential members of the democratic party in this state, at the head of whom stood Martin Van Buren and General Root, (then lieutenant-governor,) were for Mr. Crawford, and claimed him as *the* democratic candidate in the nation. Mr. Wright, as we have reason to believe,\* when

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\* Judge Skinner, after Mr. Wright was elected, told the author that Mr. Wright was inclined to support Mr. Adams. His words were—"He *was* rather in favor of Mr. Adams."

these candidates were first announced, in common with his democratic friends in Vermont, felt a preference for Mr. Adams.

The reader is reminded that from the time of the adoption of the federal constitution in 1789, down to and after the period about which we are writing, by a law of this state, the electors of president and vice-president were chosen by the legislature in the same manner as senators of the United States are now chosen—the choice of those electors would, therefore, according to the then existing law, devolve on the legislature, to be chosen at the November election in 1823.

It was believed that Mr. Crawford, from the standing, influence, and energy of his supporters, would be most likely to obtain the electors of the state of New York, if they should be chosen by the legislature; and hence the friends of the other candidates naturally concluded, that unless the law could be changed so that the people should elect the electors, Mr. C. would receive the vote of this state.

Measures were therefore taken in most of the counties and districts, to ascertain the opinions of the candidates in relation to a change of the mode of choosing electors, in such manner as, in the language of the day, would "restore to the people" the power of choosing them.

The proceedings of the several parties in respect to this question, and the way in which it originated previous to the election, are related in the second volume of this work, (pages 130-132,) and therefore need not be repeated here.

It is sufficient to remark, that Mr. Wright, whenever and wherever this question was agitated, frankly declared his opinion in favor of the election of electors by the peo-

ple by general ticket. In the volume just referred to, at page 153, we intimate, although we do not expressly affirm, that Mr. Wright *pledged* himself previous to his election, that "he would, if elected, support a bill giving to the people the right to choose presidential electors." In this we were mistaken. It is true that such was the current report in Albany, where the author then resided, both before and after the election, and it was not, to his recollection or knowledge, then contradicted, which undoubtedly produced the impression on his mind under which he wrote. We have now before us indubitable evidence that no *pledge* was given or required independent of Mr. Wright's frank and unreserved declarations to those with whom he happened to converse on that subject. Besides private letters now in our possession from gentlemen of unquestionable veracity in St. Lawrence county, we have seen extracts from the St. Lawrence Republican, then a neutral paper, and a slip from the Plattsburg Republican, dated October 23, 1823, from which it is evident that no pledge was ever given or demanded of Mr. Wright.

The candidate supported in opposition to Mr. Wright was Allen R. Moore, we believe of Washington county.\* The election was warmly contested. In some counties Mr. Moore's majority was large, but the county of St. Lawrence saved Mr. Wright. The result of the canvass in that county was as follows:

Silas Wright, Jr., 1,419; Allen R. Moore, 20. In the

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\* It has been erroneously stated, that "*General Mooers* of Jefferson county," was the opposing candidate. The writer probably intended General Mooers of Plattsburg, as Jefferson county was not then in the Fourth District.

town of Canton 200 votes were given, of which Mr. Wright received 199 ! and one vote was cast undoubtedly by Mr. Wright himself, for Jason Fenton.

How decisively does this vote prove the personal popularity of Mr. Wright in his own county ! Nothing but the most spotless purity of character could have commanded such a vote. The vote in Canton also proves the extraordinary fact—a fact the more extraordinary because he was a practising lawyer—that he had not a single personal enemy among all the voters of that town !

The legislature commenced the memorable session of 1824, on the first day of January of that year. The passage of an electoral law, as it was called, was the great measure which agitated the public mind, and forthwith engrossed the attention of the legislature. Immediately after the two houses were organized, and before a message had been sent to the governor informing him of that fact, Mr. Henry Wheaton, “a people’s man,” as the party in favor of an electoral law was called, from the city of New York, and lately American Minister to Sweden and Prussia, gave notice that he would on some future day bring in a bill authorizing the people to choose the electors for president and vice-president. This called up Mr. Flagg, then a member from Clinton county, who was a supporter of Mr. Crawford, and who offered a resolution, that the subject of changing the mode of choosing the electors be referred to a committee of nine members. A long and exciting debate ensued. But as we have heretofore given, as we believe, a pretty full history of the proceedings in the assembly in relation to this question,\* we shall here merely state that after many days,

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\* See 2 Political History, pp. 140—148.

and long and sometimes embittered discussion, the assembly finally passed a bill providing for a choice of electors by the people, if any set of candidates obtained a majority of all the votes cast; but in case no candidate had such majority, then no election was effected; and no provision was made for a second election in any form. An effort was made to amend the bill, so that the persons having a plurality of votes should be declared duly elected, but the amendment was rejected by a vote of sixty-four to fifty-two.

When the bill came into the senate, it was referred to a select committee, of which Mr. Charles E. Dudley was chairman. The committee, after several days, made a long and able report, concluding with a resolution, that it was inexpedient to legislate at all on the subject during that session.

When this report was under consideration in the senate, Mr. JOHN CRAMER moved to strike out the concluding part of it, and insert the following resolution:

"Resolved, That it is expedient to pass a law at the present session of the legislature, giving to the people of this state the choice of electors of president and vice-president by *general ticket*."

In support of this resolution Mr. Cramer made an able and eloquent speech, which we had the pleasure of hearing. It is to be regretted that he did not write out his speech, and give it to the public. It would have been a monument honorable to his talents as a legislator, and to his patriotism as a citizen. It was proposed to amend the resolution by adding the words "*and by a plurality of votes*," which was rejected by a vote of SEVENTEEN to fourteen. Mr. Wright voted *against* this amendment.

The question was then taken on Mr. Cramer's original

resolution, and it was adopted, sixteen to fifteen, Mr. Wright voting *for* the resolution.

Mr. Wright then proposed the following amendment to the report of the select committee :

"Strike out all after the word 'assembly,' in the second line of the last clause of the printed report, and insert the following :—But they recommend the passage of a law, providing for a choice by the people, by general ticket, of a number of electors of president and vice-president of the United States, equal to the number of representatives in the congress of the United States, to which this state shall be entitled at the time any election of electors shall be held, locating the electors so to be chosen in the several congressional districts, in such manner that each congressional district shall have residing within it a number of the said electors equal to the number of members of congress to which such district shall be entitled at the time of the election ; requiring a majority of all the votes given in the state, for such electors, to constitute a choice ; and directing a meeting of the legislature, at such time as shall be requisite, in any year when electors of president and vice-president are to be chosen, to appoint two electors, in the manner now prescribed by law, corresponding to the two senators from this state in the congress of the United States, and to fill any vacancies that may exist in any of the congressional districts, from a failure to elect by a majority of votes, as aforesaid ; and further recommend a repeal of the present existing law, providing for the appointment of the said electors, so far as the same may be inconsistent with a law containing the aforesaid provisions."

It will be perceived that the project of Mr. Wright was substantially the same as that embraced in the bill from

the assembly, with the addition of providing for an election of electors by the legislature in case no election should be made by the people. So far it was an improvement of the assembly's bill. Mr. Wright supported his amendment by an ingenious speech. But what ingenuity could make that appear even plausible, which on its face was absurd? He had voted for Mr. Cramer's resolution, that the choice of presidential electors ought, at that session of the legislature, to be given to the people. Would Mr. Wright's plan have given the choice of the electors to the people? With three or four tickets before the people, as it was known there would be, it was certain it would not. The friends of Mr. Clay and Mr. Adams, as afterwards appeared, would neither of them yield to the other. The adoption of the majority principle, therefore, would necessarily and inevitably carry back the election to the legislature, which was tantamount to passing no law at all. Entertaining these views of the subject, and with these impressions in our former work, we strongly intimated our opinion that Mr. Wright's conduct in this affair was disingenuous. Although when Mr. Wright first made his appearance in the senate, or rather soon after, we, in common with all other observers, were convinced that he was a man of a high order of intellect, and of an amiable temper and disposition, we confess we did suspect that he was a man of great art and consummate address, that his political schemes were profound, and that he sometimes acted from motives which he did not publicly avow.

These impressions were strengthened when we reflected on his course in the choice of a senator of the United States, in relation to Judge Spencer, in 1825, and when we compared some of his speeches and votes on the tariff,

after he became a member of the Congress of the United States. We have on various occasions, besides the one referred to, expressed the same impressions, verbally and probably in our written correspondence. It now affords us sincere pleasure to say, that we are convinced we had formed an erroneous opinion of him, and that instead of being addicted to plot and contrivance, he was frank and sincere; and although we earnestly wish that on the subject of the electoral law, and in the attempt to choose, or rather the effort to avoid choosing a senator of the United States, his conduct had been different, we are entirely satisfied his motives were pure and honorable. Our reasons for arriving at this conclusion are these:—Mr. Wright honestly and sincerely believed, whether erroneously or rightly is not now a subject of inquiry, that the ascendancy of the democratic party in this state and nation would best secure the liberties and promote the prosperity of the people. Hence he regarded as a dereliction of duty any consent to support men or measures, the consequence of which he had reason to apprehend would produce the overthrow, or even cause a diminution of the strength of that party.

Mr. Wright also entertained the opinion that any state of things which should place Mr. Clinton in such a condition as would give him a controlling influence in the government of the state or nation, would eventuate in the prostration of the democratic party in either government. We beg our readers to bear in mind that we by no means vouch for the correctness of this opinion; all we mean to say is, that Mr. Wright and many other intelligent men honestly believed it to be correct. Again, it was believed by Mr. Wright and his political friends, and by many of the supporters of Messrs. Adams and

Clay, that as soon as a law should be passed giving the election of presidential electors by general ticket to the people, *by a plurality of votes*, Mr. Clinton would instantly be brought forward as a candidate, and they thought, and we believe correctly thought, that in the distracted state in which the Bucktail party then was, a *plurality* of votes would in that event be given for Clintonian electors. These conjectures may have been well founded, as it is possible might have been proved by events, but in justice to many of the most efficient friends of Gov. Clinton, we feel bound to state that no such views were entertained by them to our knowledge or belief; not because they did not entertain full confidence in the talents and patriotism of Mr. Clinton, but because they believed even if the vote of this state could be obtained, the attempt to elect him president would be a vain and hopeless effort. This, however, made no difference with Mr. Wright and his friends; they believed, and the event might have justified their belief, that if the friends of Mr. Clinton discovered that there was a reasonable probability of giving him the vote of this state, they would make the effort; and if that effort should be successful, Mr. Van Buren, at any rate, knew that the consequence would be that Mr. Crawford would be prevented from being a candidate in the United States House of Representatives, on which by this time it was known the election of president would devolve. Under these circumstances, Mr. Wright, entertaining the views and principles which we have ascribed to him, could not consistently vote for a bill which would give the election of electors to the people by a *plurality* of votes; and yet at this time, as well as formerly, when among his neighbors and friends at Canton, when he was a candidate for the office of senator, he was de-

sirous to evince his preference of a choice of electors by the people, and the amendments he offered he considered in accordance with such desire. Although the scheme by which he proposed to carry into effect his wishes seemed to us at the time, and now seems, quite impracticable, we will not and cannot believe his amendment was offered in bad faith. Most of these views we confess have occurred to us since the publication of our Political History in 1842; but we have since been favored by Judge Fine, a distinguished member of the senate from St. Lawrence, who was an intimate and confidential friend of Gov. Wright, with the perusal of several letters written by him to Judge Fine, about the time of the Baltimore Convention in 1844, while he was governor of this state, and after his defeat in the year 1846, in the most sacred confidence. These letters afford internal evidence that the sentiments they contain were directly from the heart, and evince such an entire devotedness to the cause in which he was engaged, so total an absence of all selfish considerations, and such perfect disinterestedness, and at the same time so much frankness, candor, and liberality, even towards political opponents, that we cannot for one moment believe that, on the occasion to which we have alluded, he was influenced by any other motive than a desire to sustain and promote the great and paramount interests of the state and nation. His error as a public man, if it be an error, in our judgment, arose from his uniform devotion to the great interests of the party to which he belonged, on whose ascendancy, we have before stated, he sincerely believed depended the prosperity of his country. In relation to him, we believe what was said to us by one who knew him well, and who knows men well.—a gentleman who at this moment is one of the most prominent leaders of the

party called the Hunker party in this state, and who has for that reason been unjustly accused of personal hostility to the late Gov. Wright: we may as well say, we mean HORATIO SEYMOUR, of Utica. Mr. Seymour said, "Mr. Wright was a great man, an honest man: if he committed errors, they were induced by his devotion to his party. He was not selfish: to him his party was every thing—himself nothing." In this opinion we most cordially concur. Having said thus much, we shall continue to speak of him as we have heretofore spoken, with perfect freedom, and without the most distant desire to conceal or palliate his errors, if he committed any, (and who does not err?) satisfied as we are, and as we believe our readers will be, that such errors never originated from bad motives.

The amendment offered by Mr. Wright was rejected, only two members of the Senate voting in its favor.

After Mr. Wright's amendment was disposed of, Mr. Livingston, from Columbia county, moved the postponement of the further consideration of the report and bill till the first Monday in November. This motion was equivalent to a motion to reject the bill from the assembly. The speech of Mr. Livingston, in support of his motion, gave great offence to the public. He said, among other things, that he had no evidence that the sober part of the community desired the passage of an electoral law, and that the "*clamor* in favor of it emanated from bar-rooms." The November election proved his error. Instead of the sound of the orgies of a bar-room, a voice issued from the ballot-boxes which, for a time at least, announced the doom of those who refused to the people the right which they demanded.

Mr. Livingston's motion was adopted by a vote of sev-

enteen to fourteen—Mr. Wright voted with the majority. It is due to him to give to the reader his reasons for that vote in his own words:

"Mr. Wright said he had the honor of offering a proposition giving to the people the choice of *electors by general ticket, and by a majority of votes*, which he had supposed the only safe system to be adopted. He had, however, been unfortunate enough not to be able to induce but three members of the senate to think with him, after all the reasons he could offer in favor of the proposition. A proposition had then been made to make the choice *by districts*, which, after being fully and ably discussed, had received but two votes; and now, said Mr. W., we have rejected the proposition to choose by *general ticket and plurality of votes*. Divisions have been taken upon all these propositions, and the name of every member of the house stands recorded upon our journals, with his vote upon each proposition distinctly given. These, Mr. W. said, were all the propositions he had heard suggested, nor had he ingenuity enough to suggest or devise a fourth. He therefore despaired of even a hope that the senate could agree upon a law, as he did not believe that members trifled with their votes upon this important subject, or were prepared to change their names as they already stood upon the journals. These being his views, Mr. W. said he should vote for the postponement, unless he could hear some reasons to convince him that his conclusions were not correct. The resolution (Mr. Cramer's) just taken could not be made effective, as both the majority and plurality systems, by one of which alone it could be made so, had been deliberately rejected, and he saw no good reason for spending more time on the subject."

Gov. Yates, in his message at the commencement of the session, had taken ground against any change of the mode of choosing presidential electors during the session. After the rejection of the bill from the assembly on that subject, the public indignation was not only great against the **SEVENTEEN**, by whose votes it was rejected, but it extended to the governor, who was regarded as in some measure the cause of its rejection. When Mr. Yates, in 1822, was nominated as the democratic gubernatorial candidate, a considerable portion of the democratic party would have preferred Col. Young; and the present popular excitement against Mr. Yates, principally in consequence of the sentiments he had expressed against the passage of an electoral law, furnished good ground for the friends of Col. Young to urge his nomination for the office of governor, when the present term should expire, in preference to that of Gov. Yates. Col. Young had declared himself in favor of passing such a law as was advocated by his friend, Mr. Cramer; and therefore all the Adams and Clay men in the legislature (and there was but one democratic member, Col. Wheeler, of Steuben, who was openly in favor of Gen. Jackson) were for Col. Young, as also a considerable number of the friends of Mr. Crawford, who had opposed the electoral law, because they believed the probability of electing Col. Young was much greater than that of succeeding with Gov. Yates. These views were freely expressed in a caucus of the members of the legislature, held for the purpose of nominating a governor, but Mr. Wright protested against abandoning a political friend because he had become unpopular in consequence of supporting the measures of his party; and in this he was joined by Mr. Flagg and some others. These gentlemen declared that

if Mr. Yates was to be prostrated for recommending a measure in accordance with the views and at the request of his political friends, they were ready and willing to sink with him. Whatever opinion we may entertain of the propriety of the recommendation of Gov. Yates on the subject of the electoral law, we cannot but regard the course taken by Mr. Wright on this occasion as evidence of correct and honorable feeling. A large majority of the convention was, however, for Mr. Young, and he was declared the regular nominee.

Notwithstanding Col. Young, who had heretofore been the favorite of those democrats who supported the electoral law, had been selected as the democratic gubernatorial candidate, many of the leading men of the people's party, both in and out of the legislature,—among the former were Gen. Tallmadge and Mr. Wheaton of the assembly, and Messrs. Ogden, Burrows, and Bart of the senate,—refused to support him, because they, probably without cause, believed that if elected he would be influenced in the administration of the government by the Crawford party, or as the leaders of that party were then called, the "Albany regency."\* With a view to destroy the influence of these men among their old political friends, the Crawford party charged on the people's party a disposition to coalesce with the Clintonians; and, with a view of identifying the people's party with the Clintonians, and when that should be done, of recovering, in consequence, many fugitives and deserters from their own ranks, or of creating an irreparable breach between the Clintonians and people's party, they adopted a singular, but daring and bold project. This was the removal of

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\* 2 Political History, 157.

De Witt Clinton from the office of canal commissioner, a station which he had held with distinguished usefulness to the state ever since the organization of the board of commissioners. His great and efficient services in devising and executing that magnificent work which united the great western lakes with the Atlantic Ocean, were then as now known and acknowledged in the state and nation, and indeed in Europe as well as America. No charge of nonfeasance or malfeasance was ever pretended to exist against him. The sole object must have been to compel Gen. Tallmadge, and others of the people's party in the legislature, to vote on the question. If they voted for the removal, then it was believed the Clintonians, who, though in the minority, were yet a powerful party, would denounce them, and refuse to vote at the polls for any of their candidates; if they should vote against it, an inference was to be made and pressed upon the people, that they were secretly combined with the Clintonian party. Mr. Bowman, a western senator living on the line of the grand canal, was selected, and favored with the opportunity of immortalizing himself as the file-leader in the execution of this disgraceful scheme. On the last day of the session, and within an hour of the final adjournment, Mr. Bowman offered a resolution for the removal of DE WITT CLINTON from the office of canal commissioner. The question on the resolution was immediately taken without debate, and carried, only three members voting against it. Mr. Cramer, although he probably felt more interest in the success of Col. Young than any other senator, much to his honor, was one of the three. The resolution was forthwith sent to the assembly, who concurred by a vote of sixty-four to thirty-four, Gen. Tallmadge and Mr. Wheaton voting for concurring. What

effect this movement had upon the two parties, and upon the future political fortunes of Mr. Clinton himself, as well as its fatal effect upon Gen. Tallmadge, we have related in the second volume of the work to which we have so frequently referred.

We lament to see the name of Silas Wright among those who voted for this resolution. It was wrong, and we have no doubt he soon felt and deeply regretted his error. Like all party measures which are wrong in themselves, but devised and adopted for the purpose of obtaining a supposed temporary advantage over political opponents, this measure resulted in great injury to its authors. The removal of De Witt Clinton, and the refusal to pass an electoral law, produced, within a few short months, and at the very next election, the utter overthrow of the party then in the ascendency. Mr. Clinton was elected governor by an unprecedented majority, and in the popular branch of the legislature more than three-fourths of the members elected were opposed to the Albany regency.

The election of Mr. Clinton did not diminish the hostility, or perhaps prejudice would be the preferable word, of the people's party in the senate against him. Messrs. Gardiner, Burrows, Burt, Haight, Lynde, and Ogden, all of whom belonged to the people's party, still entertained the same feelings towards him. General Tallmadge, too, who had been elected lieutenant-governor, and was therefore president of the senate, entered fully into their feelings and views. A question soon came before the senate which called into action those feelings. The term of service of Rufus King, in the Senate of the United States, was to expire on the fourth of March, 1825, and on the first day of February, 1825, (the day fixed by law

for the election of senators of the United States,) the assembly nominated Ambrose Spence, late chief-justice, for that office. His long experience, his age, and eminent talents, seemed to designate him above all others as the most suitable man to be selected for that important station. Nevertheless, the gentlemen above mentioned protested against his appointment, and early manifested a determination to oppose it. The remnant of the seventeen who had defeated the passage of the electoral law, were of course opposed to Judge Spence. The judge, from the year 1816, had been, as he always was in every cause in which he engaged, an ardent supporter of De Witt Clinton, and was, besides, connected with him by marriage. The people's men, therefore, were not displeased at an opportunity of manifesting their courtesy towards him. In this we think they displayed a want of magnanimity. They had, it is true, differed from Judge Spence; but those points of difference no longer existed, and one would have supposed they would have seized with eagerness an opportunity of manifesting their regard for an eminent man of acknowledged integrity, who had been long in political life, and acted a most conspicuous part on the political theatre, by giving him a parting token of respect and kindness. These considerations, however, had no weight with the people's party. On this occasion they joined with the Crawford party, who together devised a most extraordinary scheme to prevent the election of Judge Spence. The opponents of Judge Spence in the senate were largely in the majority in that body, and had the power of nominating Mr. Tallmadge, Colonel Young, or any other person they preferred; but this they well knew would result in the election of Judge Spence, for on a ballot in a joint-meeting of the two houses he

would have been elected in opposition to any candidate whom the senate might put in nomination. The Crawford and people's senators therefore agreed *not to agree* on the nomination of any individual. The farce was conducted in the following manner:

"The senate then," says the journal of that house, "pursuant to an act entitled 'An act prescribing the time and manner of holding elections for senators to represent this state in the senate of the United States,' and the concurrent resolution of the senate and assembly, yesterday *proceeded openly to nominate a senator to represent this state in the senate of the United States*,<sup>\*</sup> in the place of the Honorable Rufus King, whose term of service expires on the third day of March next, when each member present openly nominated as follows:

Mr. Bowman	nominated	H. Seymour,
" Brayton	do.	A. Spencer,
" Burrows	do.	H. Wheaton,
" Burt	do.	J. Tallmadge,
" Clark	do.	A. Spencer,
" Colden	do.	A. Spencer,
" Cramer	do.	A. Spencer,
" Crary	do.	A. Spencer,
" Dudley	do.	E. P. Livingston,
" Earil	do.	V. Birdseye,
" Ellsworth	do.	S. Young,
" Gardiner	do.	J. W. Taylor,
" Greenly	do.	S. Beardsley,
" Haight	do.	S. Young,
" Keyes	do.	H. Huntington,

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\* This is false. They did not proceed to nominate a senator. They refused to proceed to nominate.

Mr. Luke	nominated	J. Suydam,
" Lefferts	do.	J. T. Irvine,
" Lynde	do.	J. Tallmadge,
" Mallory	do.	E. P. Livingston,
" McCall	do.	I. Wilson,
" McIntyre	do.	A. Spencer,
" McMichael	do.	A. Spencer,
" Morgan	do.	A. Spencer,
" Ogden	do.	J. W. Taylor,
" Redfield	do.	D. E. Evans,
" Spencer	do.	A. Spencer,
" Thorn	do.	J. C. Yates,
" Ward	do.	W. Paulding, Jr.,
" Wilkeson	do.	A. Spencer,
" Wooster	do.	R. Crane,
" Wright	do.	V. Birdseye,

" Mr. Wilkeson then offered a resolution declaring Ambrose Spencer the candidate duly nominated on the part of the senate.

" The resolution was lost—ayes eleven, noes twenty.

" Mr. Wilkeson then offered a similar resolution, that James Tallmadge be the candidate of the senate.

" Mr. Redfield moved that the resolution lie on the table. Carried—ayes nineteen, noes twelve."

Various other ineffectual attempts were made to nominate a United States senator, but without effect. The senate did indeed at one time pass what purported to be a joint resolution for the nomination of Albert H. Tracy, and at another for the appointment of Gen. Tallmadge; but the assembly, as must have been well known to the senate, could not concur in either of these resolutions without a violation of the existing law, and without surrendering the advantage which their numbers gave them on a joint

ballot. They therefore ought not to have concurred, even if they could have done so consistently with a law passed by all the departments which constitute the law-making power. Every part of this transaction is in our judgment entirely without justification; and it furnishes another instance where the devotion of Mr. Wright to his party, and his rigid adherence to the rule of regulating his own conduct, on questions of a purely party character, by the determination of the majority of his political friends, led him into error. No United States senator was chosen during that session.

Governor Clinton, in his message at the commencement of the session, had recommended the passage of a law authorizing the people of the state to choose, by general ticket, and by a plurality of votes, electors for president and vice-president. In the senate this part of the message was referred by order of the president to Messrs. Ogden, Cramer, and Lake. Mr. Ogden soon after, as chairman of this committee, made a report against the election of electors by general ticket, accompanied with a bill providing that each congressional district should choose one elector, and that the electors when thus chosen should assemble and choose two electors for the state. An ineffectual effort was made by Mr. Crary to amend this bill in such a manner that the electors should be chosen by general ticket. The bill finally passed, every member of the senate then present voting in favor of it, and was sent to the assembly, where it was so amended as to submit to the people at the next annual election, whether the election of electors should be by general ticket, or by districts. At the election, a majority of votes was given for the district system, and in 1828, the election of electors was by districts. It will be

recollect that the death of Mr. Clinton occurred in that year, and that Mr. Van Buren, in Nov. 1828, was elected governor. In his first and only message, Mr. Van Buren recommended the repeal of the law providing for the choice of electors by districts, which we have seen was enacted the by legislature in obedience to the fiat of the people expressed at the polls of the election, and the passage of a law requiring the presidential electors to be chosen by general ticket and by a plurality of votes. His recommendation was promptly adopted by both houses of the legislature, and a law passed in conformity with it. The Van Buren party at that period was surely a bold and adventurous party. When Mr. Crawford was a candidate for the presidency, they successfully opposed giving to the people the right of choosing presidential electors; in 1825, the same party advocated the choice of electors by single congressional districts, and in this they were supported by a large majority of the people, speaking through the ballot-boxes; and at the earliest moment after the death of Mr. Clinton, which explains the whole matter, that same party having a majority in both houses of the legislature, without a reference to the people who had a short time before declared in favor of the district system, abolished that system, and established, by a law of their own making, the general-ticket system, which had been recommended by Mr. Clinton, and which, by their votes, they had condemned. We are free to say, that in our opinion, the law recommended by Mr. Van Buren was right; but if so, the bill reported by Mr. Ogden, and which received a unanimous vote in the senate, was wrong.

We gladly turn from these sinister maneuverings of partisan politicians to a great question of principle, which

engaged the attention of the legislature of 1825, and in which Mr. Wright acted a part highly honorable to his memory.

At the commencement of the session, numerous applications were presented, both to the senate and assembly, for bank charters. At that time, it will be recollected that the restraining law was in force in all its rigor, and the chartered banks virtually held the exclusive right of coining money. Hence bank charters were of great value, and eagerly sought after. But under the constitution of 1821, no charter could be granted without the concurrence of two-thirds of the members of the legislature elected to each house. This required powerful combinations in order to obtain a charter for any moneyed institution. Mr. Wright viewed with abhorrence the grant of these exclusive privileges.

On the eighth day of January the comptroller, in obedience to a resolution moved by Mr. J. C. Spencer, reported that there were then forty-two incorporated banking institutions in the state of New York, having the right to employ in their business a capital of \$28,900,000. Notwithstanding this great number of banks already chartered, the legislature had not been in session but a few days, before there were applications for chartering between thirty and forty new banks. Mr. Wright had by this time acquired a powerful influence in the senate, a fact which was well known to the public, and especially to the shrewd and sagacious agents for procuring bank charters. Hence the pressure brought upon him must have been very great. Whatever could tempt the ambition, or gratify the cupidity, or minister to the vanity of man, must have been either directly or indirectly exhibited to him, in the hope of gaining his support. But vain were all

such efforts. He took a firm stand against the extension of exclusive privileges, and maintained it resolutely and sternly, maugre the blandishments of political or personal friends and the threats of opponents. During that session sixteen bank charters passed the assembly, and fourteen were originally introduced into the senate, which passed to a third reading. The greater part of these failed of obtaining a constitutional vote in the senate; and we have no doubt that that failure was in most cases produced by the personal efforts and influence of Mr. Wright. After a careful examination of the senate journal of the session of 1825, we have been unable to find that in a single instance Mr. Wright voted in favor of chartering a bank.\*

\* To show with what painful anxiety this combination of bank applicants bore on the mind of Mr. Wright, we beg leave to relate an anecdote communicated to the author by a gentleman who lodged in the same room with Mr. Wright, during the winter of 1825. Mr. Wright was occasionally subject to restless nights, or rather his sleep was sometimes unquiet. One night which succeeded a day when some of the bank bills had been discussed in the senate, after Mr. W. had been asleep for some time, he sprang from his bed to the floor, being still asleep, and exclaimed with a loud voice, "My God! the combination is too strong—every bank will pass!" When he awoke it was with great difficulty that his nervous system could be so far quieted as to enable him to obtain any more rest during that night.

## CHAPTER IV.

Result of the Election in November, 1825—Mr. Wright's Influence in the Senate—His Manner of discussing Questions—Case of Jasper Ward—Mr. Wright's Report thereon—He is elected a member of Congress in November, 1826.

THE election in November, 1825, resulted in the return of a majority of members to the assembly who were the regular nominees of the democratic party in the respective counties from which they came, and who were politically opposed to the governor. This result, although unexpected, might have been anticipated by the Clintonians, had they reflected coolly and deliberately on the then existing state of things. The party which was so successful at the preceding election, was composed of such heterogeneous materials, that union of action among them was impossible; while the greater part of the real friends of Gov. Clinton were so sure of their strength, and so confident of success, sustained as they were by the weight of character and popularity of the governor, that they relaxed in their vigilance and in their efforts. Gen. Root was elected to the assembly from Delaware, and Col. Young, who, at the meeting of the legislature, was made speaker, was elected from the county of Saratoga.

Mr. Wright continued his constant attendance in the senate, devoting himself diligently and laboriously to legislative business. His influence there daily increased. He took an active part in all the discussions of that body;

he never on any occasion made the least effort at display, his sole object was to convince his associates of the correctness of his position; and being candid and frank in communicating his views, and clear and logical in his reasoning, he generally succeeded in his efforts. He did not seek to be eloquent, though sometimes he was really so, but it was produced by the magnitude of his subject, and the power and vigor of his mind, and not by any effort to dazzle or to charm. Of all legislative debaters we ever knew, except perhaps Daniel Webster, whom in many respects he mentally resembled, in his public speeches he availed himself least of local and popular prejudices, or to use what is now a common expression, talked least to "Bumcom."

Applications for chartering a banking company, to be called "The Grand Canal Bank," also a bill for chartering the Merchants' Exchange Bank, and three others, some of which we believe had passed the assembly, came before the senate early in this session, but all of them were opposed by Mr. Wright, and rejected, or indefinitely postponed by the votes of a large majority of the senators. There can be no doubt that the arguments of Mr. Wright at the preceding and present session had a powerful if not a decisive influence in changing the opinions of a majority of his associates, which produced the result we have mentioned.

At the preceding session of the legislature, in pursuance of the recommendation of Gov. Clinton, two amendments had been proposed to the constitution, one of which was an extension of the elective franchise, and the other to provide for the election of justices of the peace by the people. These amendments were submitted to the people at the November election, and were approved by a

large majority of the electors. They were therefore, in pursuance of the constitution, again brought before the legislature during this session. When these resolutions came up in the senate, Mr. Wright voted for the extension of the elective franchise, but against the election of justices of the peace by the people. When the latter vote was taken, thirty-one members of the senate were present, twenty-nine of whom voted for the amendment, and two only, Mr. Wright and Mr. Mallory, against it. No doubt his opinion on the subject had become so fixed and settled that it could not be changed : we think it was wrong, but we admire that inflexible honesty and independence which induced him to vote against a measure which he knew to be popular with an immense majority of the people, and to record that vote, all but alone, against the united votes of his fellow-senators.

On the first day of the session, Jasper Ward, a senator from the first district, made a communication to the senate, stating that charges had been made against him in the New York American and Evening Post, during the recess of the senate, that "as an inducement to effect the passage of an amendment to the act incorporating the Chatham Insurance Company, and the passage of the act incorporating the *Ætna* Insurance Company of said city, he had been guilty of corrupt conduct as a senator of this state. The senate will know," said Mr. Ward, "the importance of preserving the integrity of their own body, and how to maintain their own honor. As a member of that body, and to vindicate my own reputation from the base slanders by which it has been assailed, I consider myself also entitled to demand from them an official inquiry into the subject ; and I therefore respectfully request that measures may be taken by the honorable the senate,

effectually to investigate the charges alluded to, and to establish their truth or falsity."

From this bold and confident appeal one would be led to believe that Gen. Ward was an innocent and injured man; the result, unfortunately for him, proved otherwise. The senate ordered the communication to be referred to a select committee, to consist of five members, with power to send for persons and papers. This order, if we rightly recollect, was made on the motion of Mr. J. C. Spencer, although from the journal of the senate it does not appear by whom the motion was made.\* On the 7th of January, four days after Gen. Ward's letter was read in the senate, Mr. Wright offered the following resolution:

"Resolved, That the committee to whom was referred the communication of Jasper Ward, made to the senate on the 3d of January instant, be instructed to inquire into the truth of the charges contained in the New York American and in the New York Evening Post, some time during the months of July or August last, in relation to the conduct of the said Jasper Ward, in effecting the passage of an amendment to the act incorporating the Chatham Insurance Company, and the passage of the act incorporating the Aetna Company, and into other improper conduct in the passage of either of the said bills, in which the said Jasper Ward shall appear to have been directly or indirectly concerned."

The investigation by the committee was laborious and thorough, and the report able, as our readers will readily believe when they recollect that two such men as Silas Wright and John C. Spencer conducted the examination

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\* Wright, Spencer, Burrows, McCall, and Haight, were appointed by the president to constitute the committee.

and drew the report. The report and copy of the depositions taken by the committee, occupy seventy folio pages in the senate's journal.

The following extract from the Evening Post contains the charges against Mr. Ward, of which he complained :

*To the Editor of the Evening Post :*

Sir—In the New York National Advocate of this morning, there is an article addressed to me, with a string of queries, signed “Eighty Shares.” Now, Mr. Editor, I cannot think of holding any communication with the *Honorable* writer of “Eighty Shares,” but for the information of the stockholders I will state that the intention of the persons composing the ticket which was made out at the meeting of the 18th inst., is to bring the late secretary to a speedy settlement, and to be especially careful that neither he nor the Hon. Jasper Ward, the president, shall any longer manage, or rather mismanage, their affairs, but that the books, papers, and property of the company shall be placed in the hands of men of integrity. Would it not have been well for “Eighty Shares” to have put one or two questions about the *Honorable* the president: as for instance, to whom did he give the \$2,200 which was drawn from the funds of the Chatham Insurance Company last winter, and for which he has hitherto refused to give particulars, but says that he (a senator at the time) gave it to the lobby for the purpose of getting an amendment to the charter? and further, did it *all* go to the lobby? I shall decline any further newspaper discussion. If any stockholder wishes information, I shall be pleased to give it him. My residence is at No. 33 Bowery.

DAVID BAKER.

The charges published in the American were contained in a communication from an anonymous correspondent. The communication was in the following words:

*To the Hon. Jasper Ward, Senator:*

Sir—1. What amount did you receive of the Etna Insurance Company for your influence in the obtaining of their charter?

2. Did you or did you not sell certain certificates, authorizing any one to subscribe one year from date, without interest, to that stock?

3. From whom was your money obtained?

4. Did you not demand this for your vote? When did you see Mr. Baker, no process having as yet been served on him? It is taken for granted that your assertion is not true—you know his to be true. There are some other transactions the honorable senator will in a few days be requested to answer for.

AN INQUIRER.

Several of these charges the committee reported were wholly unsustained by proof; but enough was proved to induce Mr. Wright, as chairman of the committee, on the 28th day of February, to offer the following resolutions:

"Resolved, That the conduct of Jasper Ward, a senator from the first senate district, and the means used by him, in obtaining the passage through the legislature of the act entitled, 'An act to amend the charter of the Chatham Fire Insurance Company'; and also his conduct, and the means used by him, in obtaining the passage of the act entitled 'An act to incorporate the Etna Fire Insurance Company of New York,' were a violation of his duties

as a senator, affording a pernicious and dangerous example, tending to corrupt the public morals, and to impair the public confidence in the integrity of the legislature, and that his conduct in these respects deserves and should receive severe reprobation. Therefore,

"Resolved, That the said Jasper Ward, senator as aforesaid, be, and he hereby is, expelled the senate."

This resolution was laid on the table : and, on the motion of Mr. McCall, a member of the select committee, it was ordered that Mr. Ward should be heard by counsel, and a day fixed for the hearing ; but on the next day General Ward addressed the following note, which it will be perceived contained his resignation, to the president of the senate :

SIR—Unwilling to retard the business of the honorable the senate by any thing that concerns me individually, I have, upon mature reflection, concluded to waive the indulgence granted me to appear before the senate by counsel. I do this from the conviction, that the honorable body over which you preside is fully competent to decide on the merits of my case as justice may require, without the agency of counsel. At the same time, permit me to request you to inform the senate that I hereby resign my seat as a member of their body.

I have the honor to be, very respectfully,

Your obedient servant,

J. WARD.

The prosecution of these charges against a man who for a long time had been his associate in the senate, who was his political friend, and who, it is altogether probable, possessed many amiable qualities, and until that time had

sustained an unblemished reputation, must have been extremely painful to Mr. Wright. But on a question in which the purity of legislation is concerned, no delicacy of feeling towards an associate, and no considerations of personal or political friendship could restrain him from doing his duty, and his whole duty.

We submit one other remark. We know nothing personally of Gen. Ward. But we have a right to presume that he was, and we think we have heard him spoken of, as a man of fair character, and an agreeable member of society. Yet was Gen. Ward, by the corrupt system which then prevailed in procuring charters granting to companies *privileges*, drawn from one step to another of vice, first, finally, until he was placed in a position before the community, which will probably prevent his being useful to the public at any future time. It is consoling to reflect, that the new constitution deprives the legislature of the power of granting exclusive privileges, and in fact takes away all inducements to the formation of corrupt combinations to influence legislation. The "altar and the god must sink together." The disgraceful scenes of 1812, 1824, and 1825 will never be renewed.\*

\* As a specimen of the management of associations to procure charters, and of chartered companies, we copy from the report of the committee a part of the summary of the questions taken by them.

One of the charges against Gen. Ward was, that he had drawn from the funds of the company the sum of \$1200, for which he had refused to account, but alleged, that he "was a member of the senate at the time, and given the money to the bank, in the purpose of getting an amendment to the charter of the company passed through the legislature." In relation to this charge, the committee say that it was proved, "that in the winter of 1826, a petition, signed by certain members of the Chatham Fire Insurance Company, was presented to the legislature, praying the passage of certain amendments to the charter of that company; that du-

In respect of the charge that General Ward received money of the Aetna Insurance Company for his influence in obtaining their charter, the committee say that Wil-

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ring that session, the prayer of that petition was not granted; that in the summer or fall of the same year, Gen. Ward represented to the finance committee of that company, that it was best to renew the application for the amendments to the charter of the company at the then next session of the legislature, and that it "might or would be necessary to issue some of the stock of the company to procure their passage through the legislature." That the finance committee did, pursuant to such representations of Gen. Ward, pass a resolution authorizing Gen. Ward (he then being president of the company, and ex-officio a member of the committee, and being then also a member of the senate of this state) and Thomas Hyatt (who was then also a director of the company, a member of the committee, and a member elect of the house of assembly of this state) to issue stock of the company, not exceeding \$20,000 in amount; that the avowed object for issuing part of this stock at least, if any should be issued, was to pay such out-door or lobby agents as Messrs. Ward and Hyatt should think it necessary to employ to assist them in getting these amendments passed; that Messrs. Ward and Hyatt did take upon themselves voluntarily the agency of issuing this stock for the company, or so much of it as they might think it necessary to have issued, and of employing such person or persons as they should think it necessary to employ to obtain the amendments, although it does not appear that Hyatt ever acted under this power; that this authority given to Messrs. Ward and Hyatt was perfectly discretionary in them, with the single limitation that the amount of stock to be issued by them should in no event exceed \$20,000: that Gen. Ward did attend the senate as a member thereof, during the winter and fall sessions of that body in the year 1824: did present the petition of the members of the Chatham company, praying for the passage of the amendments to their charter, and did use his influence as a member of the legislature to obtain the passage of the bill, but did not vote upon it: that he did, in the fall of 1823, employ Herman Ruggles as an out-door or lobby agent to aid the passage of the same, and did agree to give him for such services as he might render in the premises, in case the amendments should become a law, a right to subscribe to \$12,000 of the stock of the company at par value: that the bill containing the amendments passed the senate on the 25th day of February, 1824, and the same bill passed the assembly on the

liam J. Waldron, who was a principal applicant for the charter, testified that "after the bill incorporating the Etna Fire Insurance Company had passed the assembly, and before it had passed the senate, and some time in the

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17th day of November of the same year; and that Ruggles, pursuant to such employment, did assist in the passage of the bill as a lobby agent; that some time in the course of the year 1824, Gen. Ward, as president of the Chatham Fire Insurance Company, did issue and deliver to the said Herman Ruggles, two certificates of a right to subscribe to the stock of the company at par value, one for the sum of \$8,000, and the other for the sum of \$12,000—that the capital stock of the company is \$100,000, but that the company, by its charter, was permitted to commence business whenever \$200,000 of its capital stock should be subscribed and actually paid up, or secured to be paid; that the board of directors had resolved to go into operation upon the sum of \$200,000 of their capital stock, all of which had been subscribed and actually paid up, or secured to be paid before the authority was given to Messrs. Ward and Hyatt as above mentioned; that it required a resolution of the board of directors of the company to authorize any additional subscriptions to the stock of the same, and that no such resolution had ever been passed; that therefore Ruggles was not permitted to subscribe for the stock mentioned in the certificates pursuant to the terms thereof, but that the secretary of the company was authorized by the finance committee of the company to make a commutation in money with Ruggles for the certificates, by paying him a certain premium upon the stock covered by them, in lieu of his right to subscribe for the stock; that the secretary did make such commutation with Ruggles for the \$12,000 certificate on the 3d day of December, 1824, and did pay him, in obedience to the express directions of the finance committee of the company, out of the funds of the company, for that certificate, the sum of \$1200, or 10 per cent. premium upon the par value of the stock mentioned in it; and that the secretary did also, on the 3d day of January, 1825, make a commutation with Ruggles for the \$8,000 certificate, and did pay him for that certificate, pursuant to the further express directions of the same committee, out of the funds of the company, the sum of \$1,000, or 12½ per cent. premium upon the par value of the stock mentioned in it.

"In the proof of these facts, the committee believe there is no material contradiction in the testimony of the several witnesses."

month of March, 1824, Gen. Ward came to New York; that he, Waldron, called upon him, and inquired about the progress of this bill; that Gen. Ward informed him it had passed the assembly; that there would still be great difficulty in getting it passed the senate; but that he, Gen. Ward, had made such arrangements with certain influential individuals out of doors, that if Waldron would issue certificates of a right to subscribe to \$20,000 of the stock of the company, it could be got through: that he, Waldron, agreed to issue the said certificates, and asked Gen. Ward how the certificates should be drawn; that Gen. Ward drew and gave to him the form in which they should be drawn, and also the amount for which he wished each certificate to be issued—to wit, three for \$5,000 each, one for \$3,000, and one for \$2,000 stock; that he, Waldron, took the form drawn by Gen. Ward, and made out the five certificates for the amounts respectively directed by Gen. Ward, and delivered them to him with his own hand, the five certificates amounting to just the sum of \$20,000, all dated the 23d day of March, 1824, and all drawn precisely after the form given to him by Gen. Ward, except that Gen. Ward's form gave the right to subscribe the stock 'within one year after the company goes into operation,' and the certificates 'within one year after the passage of the act of incorporation'; that Gen. Ward, in a day or two after, left New York for Albany, and that the bill passed the senate on the 30th day of the same month, as appears by the senate journals, page 339; that he, Waldron, has no knowledge of the disposition which Gen. Ward made of any of these certificates, except of the one for \$2,000, which one he, Waldron, afterwards, and some time in the spring or summer of 1824, bought of John Radcliff, and paid him

\$90 for it, and that Radcliff informed him that he received it from Gen. Ward."

In the fall of 1826, and before his term of service in the senate had expired, Mr. Wright was a candidate for congress from the double district composed of the counties of Jefferson, Lewis, Oswego, and St. Lawrence. Mr. Rudolph Bunner, of Oswego, was his associate. Mr. Nicol Posdick, of Herkimer, and Mr. Elisha Camp, of Jefferson, were their competitors. The election was contested with great zeal, and with strong hopes of success by the Clintonian candidates. But Messrs. Wright and Bunner were elected by more than five hundred majority.

## CHAPTER V.

Mr. Clinton re-elected Governor and Gen. Pitcher Lieutenant-governor—Causes of this Result—Mr. Wright's Confidential Letter to Mr. Van Buren in 1826—Mr. Wright's Report on the Petition of David E. Evans—Mr. Flagg's Report on the Enlargement of the Erie Canal—Mr. Ruggles' Report on the State Finances, from the Committee of Ways and Means—Mr. Van Buren re-elected to the Senate of the United States—Mr. Wright resigns his Seat in the Senate of New York.

ALTHOUGH the democratic party succeeded in electing a majority of the members of assembly in the fall of 1826, Mr. Clinton was re-elected governor. But his success did not prevent the election of Gen. Pitcher for lieutenant-governor against Henry Huntington, of Oneida county, the worthy and popular candidate of the Clintonian party. This result was probably produced by the fact that Mr. Pitcher, as well as Mr. Clinton, was in favor of a plan, some time before recommended by Gov. Clinton, for the construction, by the state, of a road, from some point on the Hudson river, through the western tier of counties, to Lake Erie. The electors therefore in some of those counties, and especially in the county of Steuben, disregarding the nominations of the parties to which they respectively belonged, voted for Mr. Clinton and Gen. Pitcher.

There was another circumstance which favored the re-election of Gov. Clinton, which we have related at large in a former volume, and we mention it now for the sake of stating more particularly the action of Mr. Wright in relation to it.

The question in respect to the selection of a candidate for the next president had already begun to be agitated. Mr. Van Buren and Mr. Wright, and other leading democrats, had openly expressed their disapprobation of the manner in which Mr. Adams had been elected president, and exhibited tokens of dissatisfaction with his administration. If they did not openly oppose it, they were evidently cold towards it; indeed, they already denounced some of the measures sustained by Mr. Adams, and several of his appointments, and efforts were undoubtedly then being made by Mr. Van Buren to prepare the minds of his friends for the support of Gen. Jackson. Still Mr. Van Buren, and those acting with him, were at that time called "*non-committals*." So cautious and quiet were Mr. Van Buren's movements on this question, that at the democratic state convention, held at Herkimer, for the nomination of a governor, Judge Rochester, of Monroe county, an open and avowed supporter of the administration of Mr. Adams, and who had been appointed on a foreign mission by him, was, in consequence of a strong western feeling in his favor, nominated as the opposing candidate to Gov. Clinton.

Mr. Clinton, from the year 1824 down to the present time, had been the open and decided advocate of Gen. Jackson. Mr. Wright, who long since had lost all his partiality for Mr. Adams, and entered cordially into Mr. Van Buren's views, was a strict eauens man. The maxim of "every thing for his party—nothing for himself," governed him in this as in all his subsequent political actions; he and his associates supported Mr. Rochester, who was known to be an Adams man, because he was the regular candidate of the democratic party, and opposed Mr. Clinton, who was equally well known as a

Jackson man. Mr. Wright probably believed that this course was necessary in order to preserve the unity of the democratic party; and that should Mr. Rochester be elected, if a majority of that party should declare itself for Gen. Jackson, he would receive the votes of this state whatever might be the individual views or wishes of the governor. Hence the support of Mr. Rochester became a mere question of expediency. But there were many Bucktail democrats in the state, who were either so much dissatisfied with Mr. Adams, or so partial to Gen. Jackson, that they would not support a candidate for governor known to be the opponent of the latter. The most numerous class of this description of politicians resided in New York, where Major Noah, who had been a warm Crawford man, and was then editor of a popular democratic paper called the National Advocate, came out decidedly for Clinton and Pitcher. The votes given Mr. Clinton in consequence of the state road question, and those given him in New York and elsewhere by the more ardent Bucktail friends of Gen. Jackson, together with his own high personal merit, enabled him to leave in triumph the field of battle, where nearly all his friends had been prostrated.

It may be proper in this connection to notice the celebrated confidential letter written by Mr. Wright, near the close of the session of 1826, to Mr. Van Buren, who was then at Washington, in the senate of the United States. This letter has excited more of the attention of the community, and especially of the political opponents of Mr. Wright, than it merited.

It has just been stated that Mr. Clinton, from the year 1824 to the time of his death, was the open and decided advocate and friend of General Jackson. His friendship

for Jackson was duly appreciated and reciprocated by that distinguished man.\* We must also remind the reader that Mr. Van Buren and his confidential friends in New York, soon after the election of Mr. Adams to the presidency in the year 1825, had determined to support Gen. Jackson in opposition to Mr. Adams at the next presidential election, but that a very large majority of the democratic party in 1826 were not then prepared for such a course. Nevertheless, as Mr. Van Buren had determined to support Gen. Jackson, as Mr. Clinton was one of his earliest and firmest friends, and as the general was equally friendly to Mr. Clinton, the participation of Mr. Van Buren in the prosecution of the war against Mr. C. was extremely embarrassing, and might, if such war was not discontinued, disaffect Gen. Jackson with Mr. Van Buren, and those who acted with him. In this state of things some of the most influential friends of the latter gentleman at Albany and elsewhere, among whom we may mention that worthy and excellent man, Benjamin Knower, the late state treasurer, were of the opinion that no opposition ought to be made to the re-election of Mr. Clinton at the next gubernatorial election. But there were then strong and unconquerable prejudices existing against him in the minds of a majority of the democrats, or perhaps we ought to say Bucktails, in the state of New York. This was the state of things when, on the 4th of April, 1826, Mr. Wright wrote the letter in question. In that letter he informs Mr. Van Buren that great "alarm" had been excited among their friends at Albany, because Mr. M. M. Noah, and some other political friends in the city of New York, had declared themselves in favor

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\* 2 Political History, 256.

of the re-election of Mr. Clinton. He then goes on to argue that such a policy would be unwise and dangerous; that the Adams party, which then comprised a large portion of the democratic party, would, if no candidate in opposition to Mr. Clinton was regularly nominated, make a nomination; and "such a candidate," said he, "the great body of our political friends throughout the state would enlist themselves to support against Clinton." \* \* \* "Should we," continued Mr. Wright, "decline to support the candidate run against Clinton, *because* he was friendly to Adams, this would inevitably induce the friends of that candidate, two-thirds of whom, so far as the state is concerned, would be our friends, not only to run congress, senate, and assembly tickets, but to run them pledged to Adams. In any event then, from this state of things, it does appear to me, that we should be between two fires without the least prospect of escaping the flames, *instead of bringing off the spoils.*" This last expression has been animadverted upon with great severity. But if this sentiment, and the utterance of it confidentially to a friend, be sinful, we have only to say, let the politician in the state of New York who in this respect is without sin, "cast the first stone."

Having arrived at the conclusion that sound policy required that a candidate against Mr. Clinton should be put in nomination at a regular democratic state convention, Mr. Wright next proceeds to consider the question, who that candidate should be; and he thereupon, under the seal of confidence, discusses with great freedom the merits of several gentlemen who were spoken of as candidates, and finally concludes that Mr. Sanford, the late chancellor, would be the most available. His description of the characters of the persons he mentions is exceed-

ingly graphic, but according to our notions is just, while it is far from furnishing the least evidence of unkind feelings on the part of the writer.

Our moral sensibilities may be more obtuse than those of other men, but considering the circumstances under which this letter was written, and that the object of the author was to present his views of what was the wisest policy to be adopted in the existing exigency, we are unable to perceive any cause for charging Mr. Wright with improper or unjustifiable motives.\*

\* As this letter, at the time it first made its appearance in the newspapers, was published in most if not all of the papers in the state belonging to the party then known by the name of National Republicans, and as in 1846 it was republished in many of the whig papers, it may gratify the curiosity of some readers to be informed how it happened that it was published at all. The following are the facts in relation to it:

The letter, as before stated, was written, and sent to Mr. Van Buren at Washington, in April, 1826. When in 1829 he was inaugurated as governor of the state, he brought this letter with other papers from Washington to Albany; but he was soon afterwards appointed by Gen. Jackson secretary of state, and returned to Washington. The letter in question was accidentally left in a bureau, in which he probably kept other private papers while at Albany. In the autumn of 1829 or 1830, Mr. Van Buren directed the furniture he had left in Albany to be sold at auction, and this bureau was purchased by Mr. Frederick Porter, who was engaged in mercantile business in that city. When Mr. Porter opened the bureau, for the purpose of depositing his own papers in it, he discovered Mr. Wright's letter, and forthwith brought it to me, and informed me of the means by which it came into his possession. It was an open letter, and I read it. Perceiving it was strictly a confidential letter, and learning that it came into Mr. Porter's hands entirely by accident, I advised him to return it to Mr. Wright. He seemed not to agree with me in opinion, and I finally told him I could not consent to have any agency in its publication. It was then within a few days of the annual election; and Mr. Porter the next day, having, as I suppose, in the interval communicated the substance of the letter to some persons who were warmly engaged in the political contest then being carried on, called on me and demanded the

In the senate, Mr. Wright was chairman of the Canal Committee, then, and perhaps now, the most important committee of that house. The triumphant completion of the Erie and Champlain canals, and the zeal displayed by Gov. Clinton for internal improvements in all his communications, and especially in his annual messages, had produced a highly excited feeling in every section of the state where the construction of canals was believed to be practicable. Gov. Clinton, in his message in 1825, had specifically mentioned a great number of localities where canals might be constructed, and invited the attention of the legislature to the subject : and the legislature, during the session which followed the delivery of that message, had made a provision for, and directed the survey of **SEVENTEEN** of the routes enumerated by the governor. All this was calculated to excite the efforts and flatter the hopes of citizens living on, or owning lands in the neighborhood of these various routes.

The project of procuring the passage of a law for the construction of the Chenango Canal, had been for some time agitated, and although opposed by a majority of the canal board, and although among those who opposed it in the board were Mr. Marey, then comptroller, Mr. Flagg, secretary of state, and Col. Young, canal commissioner, a bill for the construction of this canal passed the assembly, and was sent to the senate for concurrence. About this time the Genesee Valley and Black River canals

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letter. I delivered it to him, and it was immediately published in a paper called the *Workingman's Advocate*.

Mr. Porter is, I am told, now a resident of the city of Albany. I have not seen him for many years, but he was when I knew him, and I presume is now, a worthy and respectable citizen ; he therefore can testify to the correctness of this statement.

J. D. H.

were also projected. These great interests and powerful combinations brought a pressure upon Mr. Wright as chairman of the committee on canals, which few men could have resisted. But having, after due consideration, made up his mind on the subject of the extension of internal improvements, and the increase of the debt of the state, he did not attempt to temporize; on the contrary, he sought an occasion to declare to the legislature and the people his fixed and settled principles. Such an occasion soon occurred.

Early in the session of 1827, a petition, signed by David E. Evans, and many other worthy and influential citizens of the western part of the state, was presented to the senate, praying for the construction by the state of a canal from the Erie Canal, by the way of Tonawanda creek, to the Alleghany river at Olean; and in case the legislature should think it inexpedient to engage in the enterprise at the expense of the state, and on its account, then that an act might be passed incorporating certain individuals by the name of the "Tonawanda Canal Company," with a capital of \$800,000, with power to construct the said canal. This petition was referred to the committee on canals, at that time consisting of Wright, Colden, and Haight. The improvement asked for was substantially the same as that subsequently adopted under the name of the Genesee Valley Canal. The Erie and Champlain canals had been for some time completed. The canal debt, although large, was rapidly decreasing by the steady application of the proceeds of the canal fund, and the toll of the Erie Canal, to the payment of its principal and interest,—thus affording a certain prospect that the whole debt would be extinguished at no distant period. The petition of Mr. Evans and others presented

for the consideration of the committee the grave and important question, whether the paying policy should be pursued until the state should be relieved from debt, or whether the system of internal improvements should be continued and extended, which, instead of leading to an extinction, would probably result in an increase of the public debt. It was easy to perceive, that if the views of those who were for granting this petition should prevail, the legislature could not, with any appearance of propriety, deny a similar prayer coming from the people of the Chenango valley, and those residing on the margin of the Black river. Mr. Wright felt deeply the importance of the question submitted to the committee of which he was chairman, and he arrived at a conclusion to which he adhered during the rest of his life; which was, that the state ought not, except in special cases, to engage in any new work of the kind without being well assured that the net income arising from such work "would reimburse the treasury for the expense of making it."

He made a long and able report on this petition.\* He urged that the great principles which must be determined by the legislature before they should commence the construction of any new canals at the expense of the state were, "First, the practicability of making a canal upon the route proposed, and of obtaining a supply of water sufficient for its use. Second, the ability of the state to sustain the expense, or the resources from which the work is to be carried on. Third, the importance of the work, and the promise of its utility, and consequent in-

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\* See Senate Journal of 1827, p. 170.

come, to reimburse the treasury for the expense of making it."

In considering the question whether the pecuniary ability of the state was competent to defray the expense of constructing the proposed work, Mr. Wright presented a rapid but very lucid view of the funds of the state; and although the future receipts of the treasury from canal tolls exceeded his, and indeed all sober-minded men's anticipation, the statement is in the main correct. This report is interesting and valuable, as furnishing an important item in the history of the finances of this state, because it presents, in a plain and simple manner, the funds of the state at that period. Perhaps no man ever lived who could exhibit abstruse and complicated matters with more clearness and simplicity than Mr. Wright. From the view which the report presented of the funds of the state, it was evident that nothing could be spared for new works without deranging the financial schemes of the government, then in successful operation.

The report protests against an extension of the *credit* of the state. "That the state," says the report, "has borrowed money for the construction of canals, is true,—that it can again do it, the committee do not doubt; but that *it has paid* the money so borrowed, is not true."

The practice at that time had not been tolerated to any extent, of loaning the credit of the state to corporations, or rather of borrowing money to lend to corporations. Had, since that time, all loans to private companies been avoided, and had the state adopted the doctrines put forth by this report, and rigidly adhered to them up to the present period, it is evident the public debt would long since have been discharged, and the large surplus of canal revenue, now annually more than three millions, might

have been applied to the improvement and enlargement of the grand canal, and for the construction of other canals. It is submitted to the calculating financier, whether, if that course had been steadily pursued, at this moment the Chenango Canal might not have been completed, the Genesee Valley and Black River canals been as far advanced as they now are, and the Erie Canal in as good a condition as it now is, without the state being indebted a single dollar !\*

\* Since the above was written, we have seen the annual report of the comptroller for 1848, from which we extract the following statement :

" If the recommendation of the canal board, in 1835, had been adhered to, and the entire surplus had been used for the enlargement of the Erie Canal, the following sums would have been applied to that object, to the 30th September last :

1837.....	\$717,803
1838.....	841,888
1839.....	1,111,517
1840.....	1,060,000
1841.....	1,533,224
1842.....	1,177,771
1843.....	1,457,733
1844.....	1,802,400
1845.....	1,714,566
1846.....	2,202,861
1847.....	2,866,000
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	\$16,478,763

" The sum actually expended on the enlargement, exclusive of interest paid on money borrowed, is \$12,989,851.76. If the policy of applying the surplus tolls to the enlargement of the Erie Canal had been adhered to, the work at the present time would have been much nearer completion than it now is, and the debt of \$10,122,000 for that object would not have been incurred."

But previous to the year 1835, and subsequent to 1827, a debt of \$2,270,000 for constructing the Chenango Canal had been contracted. To the sum of \$16,478,763 which might have been applied to defray the expense of enlarging the canal if Mr. Wright's policy, indicated in 1827, had

It is a curious fact that the principles shadowed forth in this report, which then were novel, and were repudi-

been adhered to, ought to be added all the interest which has been paid on the debt contracted for making the Chenango Canal.

It is no more than strict justice to the canal board of 1835, and to Mr. Flagg, who, it is said, was the author of the able report to which we are about to call the attention of the reader, to state, that a representation was in 1835 communicated to the assembly, emanating from a public meeting held in the city of Utica, that measures ought to be taken to effect the construction of a ship canal between Lake Ontario and the Hudson river, and also a resolution by the common council of the city of New York, in favor of such canal, and the construction of it by the state.

The proceedings of the meeting at Utica, and the resolution of the city authorities of New York, were referred by the assembly to the canal board, who, on the 28th day of March, made a report, in which they show most conclusively that the enlargement of the Erie Canal would be preferable to the construction of a ship canal; and they recommend that immediate measures be taken by the legislature to effect such enlargement. In conclusion the board say:—

“ In urging upon the consideration of the legislature the importance of authorizing at the present session such an enlargement of the Erie Canal as is conceived to be necessary to adapt it to the increasing trade of the country, the canal board desire to have it *distinctly understood, that they do not recommend such an expenditure of money upon this work as will interfere with the arrangements now in progress for accumulating a sum sufficient to pay the Erie and Champlain Canal debt, and for restoring the auction and salt duties to the general fund.* The net proceeds of the canal fund for 1835-6-7, will probably be sufficient to pay the canal debt, and meet the disbursements on the contracts for doubling the locks. At the close of 1837, the salt duties will be restored to the general fund, if the proposed amendment to the constitution should receive the sanction of the people. *After the period alluded to, the net proceeds of the canal tolls will be sufficient to meet the disbursements necessary for improving and enlarging the Erie Canal, without having recourse to new loans for that purpose.*”—(See vol. iv. Executive Documents of 1835, No. 334.)

This report is signed by Wm. C. Bouck, S. Van Rensselaer, A. C. Flagg, John A. Dix, Greene C. Bronson, William Campbell, and Michael Hoffman.

Can any reasonable man doubt that if the policy shadowed forth in that

ated by a large and intelligent portion of the community, are now substantially a part of the constitution of the state.

In connection with this report, it may not be improper to take notice of the celebrated report made by Mr. Samuel B. Ruggles, chairman of the assembly's committee of ways and means, in 1838,\* a year in which the whigs obtained a very strong majority in the state and in the assembly. Although the report of Mr. Ruggles was made eleven years after the one made by Mr. Wright, of which we have just given an imperfect account, it in terms several times refers to Mr. Wright's report, and purports, and evidently was intended, to be an answer to it.

This report was made not long after the legislature had determined to enlarge the Erie Canal, and construct the Genesee Valley and Black River canals. It is drawn with great ability, and for eloquence, richness of imagery, and elegance of style, exceeds any legislative document which ever came to our notice. Mr. Ruggles first exhibits a view of the funds of the state, and the income which may be anticipated from them. With respect to the net avails which may be expected from the canals, he thinks previous estimates have not been sufficiently liberal as to the amount. He justly remarks that the income arising from the canals has uniformly exceeded the most sanguine anticipation of the projectors of those works. He reminds the legislature that the comptroller, in 1821, estimated the average net annual revenue from tolls, for ten

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part of the report we have copied had been rigidly pursued, all the really useful public works would have been as far advanced as they now are, while at the same time the state would not have owed a single cent?

\* See Assembly Documents of 1838. Vol. 5, No. 242.

years to come, at \$150,000, and that the amount actually received during that period exceeded TEN MILLIONS of dollars!

The report stated that the Erie and Champlain canal debt was, to all practical purposes, paid in 1836; that the canals in that year yielded a net income of \$1,107,871.30, which was the interest at five per cent. on a capital of \$22,157,742. This, the report argued, was property which the state had acquired, and from which, after deducting the debt contracted for making lateral canals, and two other debts, (the Astor and the bank fund debt,) amounting in all to \$4,432,756, there would be a balance remaining of \$17,624,986,—a capital on the income from which the state might base its calculations for future operations. Mr. Ruggles then proceeds to recommend immediate measures for enlarging the Erie Canal, which he thought might and ought to be completed in five years at an expense of fifteen millions of dollars. He asserts that thirty millions may be borrowed, and the interest regularly paid, and the principal reimbursed by means of the canals themselves in twenty years; and that forty millions may be borrowed, and the debt extinguished by the same means in twenty-eight years.

If forty millions are borrowed, Mr. R. intimates that one-half of that sum should be expended in constructing two grand lines of railroads through the state, and the residue in improving the Erie Canal, and in making new canals.

Mr. Ruggles criticises with some severity the report of Mr. Wright on the petition of David E. Evans, of which we have heretofore given an account. The canal commissioners had by their report estimated the net income from the Erie Canal after its enlargement at three

millions annually. In proving that the estimate of revenue from the Erie Canal might be calculated upon at least to the amount estimated by the commissioners, Mr. Ruggles presents a graphic and bold sketch of those inland seas, the great western lakes, and of the fertile, extensive, and magnificent states and territories which border upon them—their inexhaustible resources, and the astonishing rapidity with which they had increased in population and commerce. “They would,” he said, “continue thus to increase by an increasing ratio. The greater part of the produce of this rich and flourishing country must find its way to market through the Erie Canal, which would so swell the amount of tolls as would enable the state to reduce the tolls from thirty to fifty per cent., and still secure the estimated net income of three millions annually.” Mr. Ruggles appended to his report a table exhibiting the amount of the state debt in each year, for ten succeeding years, upon the plan that the state should borrow four millions every year; in which case, of course, the whole sum borrowed by the state would amount to forty millions. He also presented another table, showing that if the money could be borrowed at an interest of five per cent., a sinking fund, to be composed of the surplus canal revenue, might be established, which would extinguish the forty million debt by the year 1865.

Before concluding the account of this report, which greatly excited the attention of the people of this state and nation, and indeed of Europe, we will add, in this place, though ten years in advance of the period of which we are now treating, that the assembly of 1838, elected under the influence of the tornado which burst forth in the fall of 1837, contained a very large ma-

jority of whigs, the senate being at the same time strongly democratic.

The committee of the assembly on canals and internal improvements, of which G. W. Patterson, afterwards speaker, was chairman, reported so far in accordance with the views of Mr. Ruggles, as to recommend the immediate commencement of the enlargement of the canal, and that a loan of one million of dollars be authorized for the ensuing year; and a bill for that purpose was introduced and passed the assembly. When, however, it came into the senate, it was there amended by striking out *one* and inserting *four* millions of dollars, and in this form it passed both houses. We have before stated, that in 1835, when the law for the enlargement of the canal was passed, the canal board recommended that the surplus tolls only, which might be received from the canals, should be applied to defray the expense of the undertaking, and that no new debt should be contracted on that account; but in passing the law recommended by the canal board, the legislature reduced the sum for widening the canal, by requiring that \$300,000 of the canal revenue should be annually applied for the current expenses of the government.

Without assuming to judge of the merits of the conflicting systems exhibited by the report of Mr. Wright in 1827, and that of Mr. Ruggles in 1838, as being a question which more appropriately falls within the province of the statesman, than one which pertains to the more humble duties of the historian, who discharges his obligation to the public by the simple narration of facts only, we may be permitted to remark, that in our view neither of the parties to this controversy was free from error. It seems to us that Mr. Wright did not perceive and fully appreciate the

resources of the state ; that his apprehensions of its incapacity to make public improvements and pay for them, were too gloomy and desponding ; and it is certain that in 1827, he, in common with all other intelligent men, was greatly mistaken in the estimate he formed in relation to the amount of revenue which might be received, and which, in fact, subsequently was realized from the canals.

On the other hand, Mr. Ruggles, probably too much controlled by an ardent but brilliant imagination, based his calculation upon an assumed fact which experience very soon proved erroneous ; which was, that forty millions of dollars might be borrowed in ten annual instalments, at an interest of five per cent. Mr. Ruggles himself in his report informs us that the western states bordering on the great lakes, at the moment when he drew his report, had undertaken works of internal improvement which would cost more than forty-eight millions of dollars, every dollar of which, it was well known, must be raised by a loan, that is to say, by a sale of stocks to be created by those states. Was it then reasonable to expect, that when the stock market should be thus flooded, the state of New York could, for ten years in succession, borrow four millions of dollars annually at an interest of five per cent.? Experience soon proved how fallacious this expectation was, if indeed it ever existed. The price of stocks soon became sadly depressed in market, and even six per cent. stocks could not be converted into cash without a great and ruinous sacrifice. This single error was of itself sufficient to demolish, and did in fact demolish, the splendid fabric erected by the talented but highly imaginative Mr. Ruggles.

The bill from the assembly to construct the Chenango

Canal was rejected in the senate by a vote of fourteen to ten.

On the 6th of February Mr. Van Buren was re-elected senator of the United States. A feeble effort was made by a few of the Adams men, in conjunction with a majority of the Clintonian members, to defeat him, and for that purpose the name of Gen. Stephen Van Rensselaer was used; but Mr. Van Buren was supported with great ardor by his old friends, among whom Mr. Wright was one of the most prominent, and also by several of the most influential Clintonians. He was elected by a large majority. It was remarked, and we believe truly, before this election, by, as we think, some of Mr. Van Buren's friends, that no man was authorized to say he would support Gen. Jackson for the next president, or even that he would oppose the re-election of Mr. Adams.

The re-election of Mr. Van Buren was particularly agreeable to Mr. Wright, and the more so as he was a member elect of the next congress. We may perhaps as well mention here as anywhere else, that from the time Mr. Wright came into public life until his death, he and Mr. Van Buren were cordial personal and political friends, and we are not aware of any one instance in which they differed in opinion. It may be presumed that Mr. Wright, from Mr. Van Buren's great experience in public life, and extensive acquaintance throughout the Union, as well as from his respect for the judgment of that gentleman, generally deferred to his opinion, and was guided by it; but we personally know that Mr. Van Buren entertained the highest respect for the capacity and judgment of Mr. Wright, and the case must have been a clear one in the view of the former which would have induced him to adopt a measure in opposition to the advice of the latter.

On the 4th of March, 1827, Mr. Wright resigned his seat in the senate of New York. The loss of so able a member was deeply felt by the people of the state, and more especially by the body of which he had been so distinguished a member.

## CHAPTER VI.

Mr. Wright takes his seat as a Member of the Twentieth Congress—Presidential Election and the Tariff Question—Tariff of 1816—Tariff Convention at Harrisburg—The Southern Scheme of conducting the Election—Committee on Manufactures—Mr. Wright a Member of it—His Report—Debate thereon in the House of Representatives—Mr. Wright attends the State Convention at Herkimer as a Delegate—He is nominated, and again elected to Congress.

MR. WRIGHT having been transferred to a broader and more extended theatre of political action, it now becomes our duty to follow him to the representative hall of the twentieth congress.

The presidential election was to take place in the autumn succeeding the session of congress in which Mr. Wright first took his seat as a member of the House of Representatives. The great question on which it was supposed that election would turn was, whether a majority of the people of the United States were in favor of a tariff for the *protection* of American industry; or rather, at that day the question was, whether they were for *increasing* the protective duties then established by law.

The first tariff of duties levied expressly for the purpose of diminishing the importation of foreign manufactured goods, was that of 1816, which was adopted immediately after the termination of the last war with Great Britain. By that tariff a small increase of ad valorem duties was laid upon imported woollen cloths, upon iron,

hemp, &c., and a specific duty was directed to be levied on coarse cotton fabrics, imported from beyond the Cape of Good Hope.

For several years before that time vast quantities of cheap cotton cloths were imported from that quarter; and, as few if any articles produced in America found a market beyond the Cape of Good Hope, the purchase and importation of these coarse cotton cloths caused a large specie balance against this country. The high specific duty which the act required should be collected from these fabrics, was intended to destroy that branch of trade. It had the effect intended; and in doing so, it enabled many of our cotton factories, which had grown up during the British war, to continue their operations after the peace.

The tariff bill of 1816 was reported by Mr. Newton, of Virginia, chairman of the committee on manufactures, and was supported by him, together with a large part of the southern representation, avowedly for the purpose of *protecting* American industry, and fostering American manufactures.

Mr. Forsyth and Mr. Cuthbert, of Georgia, Gov. Robinson, of Louisiana, and Mr. Calhoun and Mr. Lowndes, (one of the ablest members of congress,) advocated the bill expressly on the ground of *protection*. Without their aid, and the powerful support of Henry Clay, it could not have passed, for those members representing the commercial interest of New England, in the front rank of whom stood DANIEL WEBSTER, were opposed to it.\* The opposition of the eastern members was caused by the belief

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\* All this may be seen, as well as the speeches delivered on that occasion, by an examination of the files of Niles' Register.

that protective duties would injure the ship-owner and importer, and eventually destroy the ship-building and importing business. Times changed, and men changed with the times. The South became opposed to all protective duties, and the middle, eastern, and northwestern states became advocates of "protection for the sake of protection;" and in 1824, (we believe, for we write from memory.) a new tariff bill was passed, by which the duties on a variety of imported articles were considerably raised. Still the manufacturing companies, and the producers of iron, hemp, &c., and perhaps we may say, the people of the grain-growing states generally, were not satisfied with the protection afforded even by the tariff of 1824, and therefore demanded further governmental aid. With a view of furthering this object, a convention of the friends of protection was called at Harrisburg, in Pennsylvania. This convention met on the 30th of July, 1827. The avowed object of the meeting was to collect and concentrate facts, and to agree on a tariff of duties which should be equal in its benefits and its burdens, as far as equality could be attained, in all parts of the Union, and especially in those parts of it which demanded protection. The convention was composed of men of high character for talents and private and public virtues. Undoubtedly a large majority of them were supporters of the administration. Mr. Adams had declared himself in favor of protection, and Mr. Clay, its greatest and most efficient champion, was at the head of his cabinet. But the members of the convention were not all of them supporters of Mr. Adams. Among those who constituted that body, there were many gentlemen of high standing and character, who were openly and decidedly for Gen. Jackson. The great object of the con-

vention was to reconcile, if possible, the conflicting interests of the friends of protection. It was a difficult matter to adjust those conflicting interests. Massachusetts, for instance, wished to raise the duty on imported cotton and woollen cloths, and at the same time desired to obtain her hemp and her molasses where she could buy cheapest, whether the one article was grown in Russia or Kentucky, or the other was purchased in the West Indies or Louisiana. On the other hand, it was quite immaterial to Louisiana whether she purchased her cotton and woollen cloths at Waltham, in Massachusetts, or at Manchester, in England, provided she could obtain them as cheap at one place as the other. The grower of wool in the state of New York insisted, that while the manufacturer of woollen cloth was protected from foreign competition, he also should be protected from the competition of the grower of coarse wool in Smyrna, and the producer of the fine Saxon wool in Europe. The convention at Harrisburg, however, in a spirit of mutual compromise, agreed upon a tariff of duties which would be satisfactory to them, and which, in their opinion, ought to quiet the controversy between the conflicting interests to which we have alluded.

Before the twentieth congress met, it was pretty well ascertained that the people of the southern and planting states would, in a solid phalanx, oppose the re-election of Mr. Adams.\* Hence his opponents in the grain-growing states rightly concluded that his defeat would be certain if any considerable division could be produced in those states; and the conflicting interests among them in relation to a tariff was looked to as the most probable

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\* We do not call Delaware and Maryland *southern states*.

means of effecting that division. Gen. Jackson, in a response to an inquiry whether he was in favor of a tariff, as we have stated in a preceding volume, declared himself for a "*judicious*" tariff; but whether he intended by a judicious tariff a tariff for protection or revenue, no one could tell. At the North and West it was affirmed that he meant a tariff for protection; at the South it was asserted, with equal confidence, that no tariff could be *judicious* unless it was one for revenue only, and therefore that the general must have intended such a tariff. The answer of Gen. Jackson was probably drawn by some wily politician, for it does not accord with the frankness of a soldier, nor especially with the honest and fearless independence of Andrew Jackson.

New York at this time was nearly unanimous in favor of the protective policy. Mr. Wright avowed himself in favor of that policy, although several years afterwards he changed his opinion, as he frankly and publicly declared. In support of protection, Mr. Wright was joined and sustained by all his colleagues, except Mr. Cambreling and Mr. Verplanck from the city of New York. The first struggle in the house was of course that which arose out of the election of speaker. John W. Taylor, from this state, had been the speaker of the house of representatives of the last congress; he was a devoted friend of the administration and a protective tariff, and was the administration candidate. Mr. Stevenson, of Virginia, who was opposed both to the administration and protection, was the candidate in opposition. On balloting, Mr. Taylor received ninety-four, and Mr. Stevenson one hundred and four votes, who was thereupon declared elected. Mr. Wright, with seventeen of his colleagues, all of course Jackson men, voted for Mr. Stevenson.

As party men they were undoubtedly excusable, if not justifiable, in voting for Mr. Stevenson, but some difficulties in giving this vote must have presented themselves to the mind of Mr. Wright. Mr. Taylor was a New Yorker, and the power wielded by the speaker in the national legislature, for the time being, gives a local influence to the state from which he comes, which one would suppose a citizen of New York would surrender or give away with great reluctance. Again, it was known that the great question of the session was that of the tariff, and it was also known that much might be done to retard and embarrass, or to forward any given measure, by the organization of committees. Mr. Wright, and those of his colleagues who voted with him on the question of speaker, well knew that Mr. Taylor was for protection. (for that reason alone even the Adams men from Virginia refused to vote for him,) and that Mr. Stevenson was opposed to all protection. Mr. Wright, however, must have considered the choice between Mr. Taylor and Mr. Stevenson as a choice between a lesser and a greater evil, and that the consequences of electing Mr. Taylor, in all their bearings, would be more injurious to the nation than those which would be likely to result from the election of Mr. Stevenson. The Virginia Adams men did not so reason.

In selecting the committees, the speaker appointed Mr. Mallory, of Vermont, a National Republican, chairman of the committee on manufactures. This he could not, with any regard to decency, avoid doing, because Mr. Mallory was conceded to be a man of respectable talents, of great candor and industry, and had in the preceding congress been chairman of that committee; but the speaker selected a majority of Jack-

son men for his colleagues. Mr. Wright was placed on that committee, next in order to Mr. Mallory. As Mr. Wright was a new member, and therefore little known at Washington, and probably quite personally unknown to Mr. Stevenson, his selection, we have no doubt, was made under the advisement of Mr. Van Buren. That sagacious politician knew men, we were going to say, better than any other man, and he therefore knew that no Jackson man from the north would be likely to perform so efficient a part on that important committee as Mr. Wright.

The southern members are generally better politicians than the northern; one reason for which may be, that the members from the South are not changed so frequently as are the members from the northern and middle states. On all great questions in which the southern section, or the planting states, are supposed to have an interest adverse to that of the grain-growing states, their policy is to divide the votes of members from the latter states, while they keep their own ranks unbroken. We do not complain of this policy on their part: in common courtesy we are bound to believe that they think the measures which they advocate are right, and that this is a fair means of accomplishing their ends in a legislative body: at the same time it appears to us that this policy of the planting states should admonish the representatives from the grain-growing states to make great efforts and some sacrifices in order to produce unity of action.

Mr. Wright and a majority of the committee on manufactures were not willing, without a further examination, to adopt the tariff recommended by the Harrisburg convention. He therefore, in pursuance of the direction of that majority, offered to the house a resolution to authorize

the committee to send for persons and papers. This proposition seemed reasonable, for it was to be presumed that the Harrisburg convention had presented one side of the case only ; and on a question so vitally important, it was deemed proper that the committee should possess themselves of the views of those who opposed as well as of those who advocated protection. The course proposed by Mr. Wright had also the sanction of many precedents in the proceedings of the British house of commons. The resolution, however, was opposed with great zeal by many of the friends of a protective tariff, principally on the ground that its adoption would produce a great and unnecessary delay. But Mr. Wright's resolution was adopted by a majority of the house.

After the committee had obtained all the information within their power, they proceeded to deliberate upon the report they were to make, when it was soon ascertained that there was a difference of opinion among its members. Mr. Mallory was for adopting substantially the project of the Harrisburg convention ; but Mr. Wright was for reporting a bill materially varying from it, and with him a majority of the committee agreed. Mr. Wright was in favor of reducing the duty on imported woollen cloths, and for raising the duty on wool. Mr. Mallory contended that the effect of such a provision would be to render it impossible to work the woollen factories without loss ; that in the event of their suspension, the domestic market for wool would be destroyed ; that, on the contrary, the encouragement of the manufacturing of woollens would increase the demand for wool, and of course increase its price in market ; and that therefore the scheme advocated by Mr. Wright would in the end be fatally injurious to the wool-grower himself. Mr.

Wright also was in favor of increasing the duty on hemp, flax, iron, and molasses. Upon his plan the duty on molasses was to be considerably raised; and the right of drawback on molasses which should be distilled into spirits by the New England people, and in that form exported, was not to be permitted. As a majority of the committee agreed with Mr. Wright, his plan was adopted, and a bill drawn in accordance with it was by him reported to the house on the 31st day of January, together with a report setting forth the reasons upon which the bill was founded.

On the 28th day of January, the following resolutions were offered in the assembly of New York, and were in that house, and by the senate, almost unanimously adopted:

"Resolved, (if the senate concur therein.) That the senators of this state in the congress of the United States, be, and they are hereby instructed, and the representatives of this state are requested, to make every proper exertion to effect such a revision of the tariff as will afford a sufficient protection to the growers of wool, hemp, and flax, and the manufacturers of iron, woollens, and every other article, so far as the same may be connected with the interests of manufactures, agriculture, and commerce.

"Resolved, (as the sense of this legislature,) That the provisions of the woollens bill which passed the house of representatives, at the last session of congress, whatever advantages they may have promised the manufacturer of woollens, did not afford adequate encouragement to the agriculturist and growers of wool."

From the proximity of the time of the passage of these resolutions by the New York legislature with the time of

the delivery of his report by Mr. Wright to the house of representatives, and from a comparison of the report with the tenor of the resolutions, one is naturally inclined to conclude that the introduction and substance of the resolutions must have been suggested by some person at Washington, who was well acquainted with the action of the committee.

When the bill came into the house, Mr. Mallory being against some of its provisions, the defence of the report of the committee devolved on Mr. Wright. Here he had to encounter an array of talent rarely to be found, even in that house,—the sagacious and subtle John Davis and Isaac C. Bates, the cool and calculating John W. Taylor, the witty and satirical Dudley Marvin, the accomplished and classical Daniel D. Barnard, the able and unyielding Elisha Whittlesey, and that powerful and most eloquent extemporary parliamentary orator, Henry R. Storrs. But although Mr. Wright had scarcely become familiar with the localities of the hall of the house of representatives, he sustained himself in a manner so triumphantly as astonished his friends as well as his opponents.\* He had, as was always his practice on a question which it was his duty to discuss, made himself well acquainted with his subject. He was at ease and *at home* in every phase and attitude of his case, and his speech on that occasion, which was very elaborate, displayed an ingenuity, skill, and tact as a parliamentary orator, which elicited universal admiration.

Subsequent to the delivery of this great and leading speech, in the progress of the debate, he was frequently

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\* One evidence of a great native mind is, that it always displays a vigor and a power in proportion to the emergency which demands its action.

called on to reply to his opponents. On one of these occasions, in replying to Mr. Mallory and Mr. Barnard, he treated, in a manner with him unusually caustic, some remarks which had fallen from the gentleman last named. He said,—

"But, Mr. Chairman, are we to enter upon this doctrine of monopoly? Am I to agree, that this is the only and correct stopping-point in the protective system? I had supposed, that when I put the American manufacturer upon a par with the foreigner, and not only so, but left against the foreigner the whole of the expense and charges of bringing his goods to our markets, I had granted a fair protection to our manufacturer, but not that I had thereby granted to him a monopoly. Such protection, and more, is furnished by the bill as reported by the committee. But, sir, it is not monopoly; and hence denunciations against that bill. Hence, too, I suppose, the arguments of the gentleman from Vermont (Mr. Mallory) have been heard against the proposition of the member from Pennsylvania, (Mr. Buchanan,) because that proposition will not effect the desired monopoly.

"I must here be permitted, Mr. Chairman, to correct a misrepresentation of one of my own arguments used upon a former occasion. I was represented by my colleague (Mr. Barnard) as having urged the protection of the *native* wool of this country, in preference to, if not to the exclusion of, other kinds and qualities of wool. Sir, I used no such argument. The bill makes no such provision; nor has any such distinction been suggested by me. But the terms and language of my colleague, in making this representation, deserve a moment's notice. After he had given this turn to my argument, he inform-

ed the house that I was a lawyer ; and then appealed to me in that character—and in a strain of eloquence, to which he was aided by a draft upon the poets—to inform him how far removed from the blood of the merino a sheep must be, to entitle it to protection upon my principles. When at home, sir, I bear the appellation of a lawyer ; and whether my colleague intended to apply it to me here reproachfully, or not, I know not ; but I have not considered a place in that respectable profession disgraceful. I have already said that my colleague misrepresented my argument. He equally mistook my information. I will assure that honorable gentleman, that I have never inquired into the *degrees of blood* of sheep or men. No part of my education has led me to these inquiries. No branch of the profession of the law, which I have studied, whatever may have been the fact with my honorable colleague, has furnished *me* with the information he asks. None of my ambition is drawn from considerations of blood, and it therefore never has been any part of my business to trace the blood of men or beasts. It never shall be any part of my business, sir, until that system of monopoly is established in this country which my colleague so ardently wishes, and so loudly and so boldly calls for from this committee. When that time shall arrive, *his blood* may rate him among the monopolists. Then too, sir, the *degrees of blood*, of *my* kindred, of *my* friends, may determine whether they are to labor in the factories, or to be ranked among the monopolists : and then, if my honorable colleague will make this appeal to me, as to the degrees of blood of these relatives and these friends, it shall be my duty carefully and accurately and distinctly to answer him."

When the question was taken in the house between

the bill as reported by Mr. Wright and the plan of Mr. Mallory, which, as before observed, was substantially that of the Harrisburg convention, one hundred and fifteen members voted for the bill, and eighty voted for Mr. Mallory's amendment. We have not before us the ayes and noes, but we think we are not mistaken when we say, that every member south of the Potomac river voted for Mr. Wright's bill in preference to Mr. Mallory's amendment. Why did they so vote? The bill, though the duties were so high on some articles as would, it was believed, wholly exclude their importation from abroad, bore with relentless and almost ruinous severity on New England. The high duty on coarse Smyrna wool, which was used in the manufacturing of negro cloths, would, it was apprehended, exclude its importation, and deprive the woollen factories of that lucrative branch of their business; the price of hemp, iron, and cordage, it was feared, would be so enhanced as to greatly check the business of ship-building; and the duty on molasses, an article for the consumption of which the Yankee nation have long been celebrated, and great quantities of which were by the eastern people distilled into a species of spirit called New England rum, and exported, was regarded, and perhaps justly so, as peculiarly oppressive to the eastern section of the Union. The South wished to defeat *any* bill for protection, and were determined in a body to vote against the final passage of any bill which favored the protective policy. If, therefore, the bill reported by the committee on manufactures could be made so unpalatable to the members from New England as to induce them to vote against it, their vote, together with the united southern vote, would cause its rejection. The bill reported by the committee was eventually considerably modified, on

the motion of Dr. Sutherland of Pennsylvania, by the consent of Mr. Wright, reducing the duty on wool, and increasing it on manufactured woollens, and in that shape it passed the house, all the southern members voting against it, except, perhaps, two or three from the state of Louisiana.

The bill, when it came into the senate, through the efforts of Mr. Webster was amended so as to render it less offensive to the people of New England. The house eventually concurred in the senate's amendments, and the bill became a law. This bill has been denominated a "bill of abominations."

A tariff for protection of American growers, producers, and manufacturers is one thing, and a tariff for revenue is another. In the one case *revenue* is the object and protection the *incident*; in the other, protection is the object and revenue the incident. The bill in question was avowedly intended for protection, but as a law for protection it was not, in our judgment, much misnamed by calling it a "bill of abominations," because the protection was unequal and unjust to those sections of the country and to some of those interests it professed to protect.

Impost duties for *protection* are now repudiated. Even Mr. Clay, the great champion of a tariff for the encouragement of American industry, has declared that he will no longer sustain a tariff for protection "for the sake of protection."

A tariff for revenue alone, though it may afford *some* incidental protection to the manufacturer, is in fact a tax paid by the consumer without regard to his capital or his income. Nevertheless, in this way some thirty millions of dollars are annually raised. If the protective system is to be, as in fact it is abandoned, when the gross injus-

tie of taxing the consumer without regard to his means is considered, and when the amount actually paid by the consumer, charged in the shape of profits, on the amount of duty advanced by the importer, the jobber, and the retailer, is estimated and compared with the actual amount which reaches the treasury, (probably not more than one half of the sum paid by the consumer,) it may well be doubted whether the incidental protection which a tariff for revenue affords to the producer, grower, and manufacturer is not purchased too dearly, and whether it will not be better, as it certainly is more just and equal, to support the general government as the state governments are supported, by direct taxation. But these are speculations foreign to the object of this work.

No other measures of importance engaged the attention of Mr. Wright during this session. The bill for the relief of the revolutionary officers and soldiers, which passed in May of this year, received his vote and cordial support. During the recess he attended the state convention at Herkimer, as a delegate from St. Lawrence, and successfully supported the nomination of Martin Van Buren for governor and that of E. T. Throop for lieutenant-governor.

Mr. Wright was nominated for re-election from his district for congress. The election was sharply contested. At that time antimasonry was exceedingly ripe in the state, and the antimasons and Adams men united in his district, which, it will be remembered, was a double district. This produced a very close election: Mr. Wright's colleague was beaten, but a small majority of votes was given to Mr. W., although the certificate of election was given to his opponent, because the word "junior" was omitted on some of the tickets deposited for him, and because an

alleged informality had been committed by the returning officers of one of the towns.

On the 4th of December, 1828, Mr. Wright resumed his seat in congress. An attempt was made to repeal the tariff law passed at the last session, but the movement was resisted by Mr. Wright, and failed,—a very large majority voting against it.

It affords us pleasure to be able to state, that during the short period that Mr. Wright sat as a member in this session, two resolutions were adopted providing for the appointment of a committee to inquire into the condition of the slave-trade as it existed in the District of Columbia, and the laws in relation thereto, and to consider and report upon the propriety and expediency of the abolition of slavery in that district, and that Mr. Wright voted for both resolutions, although they were opposed by most of the southern members.

Mr. Van Buren having been elected governor, he resigned his seat in the senate of the United States, and it became the duty of the legislature, which met in January, 1829, to supply the vacancy. At a caucus to nominate a successor, Mr. Wright, though not a candidate, and without his knowledge, was voted for by several of the members.—a fact which shows the great respect entertained for him by his former associates.

## CHAPTER VII.

Mr. Wright is appointed Comptroller of the State—The Importance of that Office and its high Responsibilities—The Chenango and other projected Canals—Mr. Wright's Report in 1830—General Fund—Mr. Wright attends the State Convention and successfully advocates the Nomination of Mr. Throop for Governor, who is elected—Mr. Wright elected Senator of the United States in the winter of 1833.

DURING the session of the New York legislature in the winter of 1829, and while Mr. Wright was engaged in the performance of his duties as a member of congress at Washington, he was appointed comptroller, to supply the vacancy occasioned by the appointment of the former comptroller, William L. Marcy, to the office of judge of the Supreme Court. This appointment, so far as we know, or have reason to believe, was conferred on Mr. Wright without his solicitation. The multifarious and important duties, and the high responsibilities which a succession of statutes have devolved on the comptroller, are so well described by an able writer in the Albany Argus in one of the numbers of that paper published in the year 1846, that we can in no way so well express our own views on the subject as by transcribing his remarks.

"There is at this day," says the learned correspondent of the Argus, "no officer of the state whose duties and powers are so diversified, so extensive, and so complicated, as those of the comptroller: nor is there any who is placed in a more commanding position for exercising a political influence. From a simple auditor of accounts, and a watch upon the treasury, he has sprung up into an

officer of the first eminence in the administration : supplanting, by degrees, some departments which were once in equal, if not higher regard, as auxiliaries and advisers of the executive power. He is the one-man of the government. He is not simply an officer, but a bundle of officers. There is hardly a branch of administration of which he is not a prominent member: so prominent, in some cases, that the affairs of that branch cannot be conducted without his actual presence, although personally he may be a minority of those having it in charge. He is the chief of the finances: the superintendent of banks; and the virtual quorum of the commissioners of the canal fund, with all the power which such a position gives him in the canal board. While other state departments have no more than maintained their original sphere and authority, or have suffered material diminution, particularly of influence, the office of comptroller has been a favorite of the legislature, and the chief object of its confidence, intrusted with high if not extraordinary powers of government. An examination of the statutes will show that every year adds to its duties, until they have become, by continual aggregation, a complicated mass, beyond the power of performance by any one man, and almost beyond the reach of his thorough and intelligent supervision.

" For twenty years after the adoption of the first constitution, the treasurer was the principal financial officer. It became obvious that he needed a check, not more for the prevention of frauds than for the detection of errors. The co-operation of two officers, and a double set of accounts, constituted a device of great wisdom for the public security: and its practical working has been so perfect, that peculations and frauds in respect of the public funds

confided to the treasury are unheard of. They are, in fact, impossible, without presuming that rare case of profligacy, when two high officers of state combine, by mutual overtures of corruption, to violate their oaths and their consciences,—a result unknown in the history of our state government.

"It is of little moment that the comptroller, and not the treasurer, is now by law the chief of the finances; but if the treasurer have duties enough to occupy his time and capacity, it would seem that the parallel duties of the comptroller should of themselves be a sufficient employment and trust, without the vast additional burden of labor and responsibility which is otherwise cast upon him. To form an adequate idea of the mass of duty he has in charge, it is necessary not only to survey the summary contained in the revised code of our laws, but to trace out the statutes from year to year; to review the reports of his office; and to follow him and his numerous assistants in the actual discharge of their various labors in the financial, banking, and tax bureaux of his department. But it is inconsistent with the designed brevity of these papers to enter into the details which alone can convey a suitable notion of the magnitude and responsibility of his trust and influence. As the department is now organized, it is overgrown and cumbersome; and to perform with thorough intelligence and conscientiousness, without error or delay, all its requisite offices of supervision and of action, requires the sight of Argus with his hundred eyes, and the activity of Briareus with his hundred hands."

A higher evidence of respect for Mr. Wright, and confidence in his ability, sagacity, and integrity, could not have been given, than was exhibited by this appoint-

ment.—a respect and confidence which had been created during the short period he had been in public life, which was then but five years.

Here, then, was a man, brought up in one of the country towns of Vermont, whence he had migrated to a secluded village in a county bordering on the province of Canada, placed at the head of the complicated financial concerns of the state of New York, a state which, we will venture to assert, requires more skill to conduct judiciously its moneyed and various fiscal operations than some of the kingdoms of Europe. But Mr. Wright proved himself to be fully competent to discharge those high and important duties.

As a member of the canal board, it was the duty of the comptroller to advise and give his opinion upon the merits of all projected canals; and as the financial officer of the state, it was also his duty to inform the legislature of the condition of the funds of the state, and its capacity of increasing its expenses and paying its debts. The application for new canals through the Genesee valley, along the Black river, and in the valley of the Chenango, to which we alluded in a previous chapter,\* as having been made in 1827, were repeated in 1828, and again pressed upon the legislature in 1829. Time, instead of weakening, strengthened the power and influence of these formidable combinations. The success of each was made the common cause of all. The members of the legislature coming from that part of the state which bordered on the contemplated route for the Chenango Canal, were considerable in numbers, and most of them democrats, and for that reason were supposed to have more influ-

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\* See Chapter V.

ence with the dominant party in both houses of the legislature, than those members who represented the counties farther west, who were generally whigs. Probably partly, if not solely, on this account the Chenango Canal was made the pioneer of the trio. We do not mention the Chemung and Crooked Lake canals, because they were mere side-cuts, or arms of the grand canal, yet the applicants for these canals were generally understood to be combined with the other projectors. For an account of the proceedings in the legislature in relation to the Chenango Canal, we respectfully refer our readers to the second volume of our History of Political Parties, where we think we have given it so fully as to render its repetition on this occasion unnecessary.\*

\* At page 422, 2 Political History, we have said that previous to the election of 1832, a distinguished democratic leader visited the county of Chenango, and there gave assurance that if the democratic state ticket should be well and faithfully supported in the valley of the Chenango, John Tracy should be nominated at the Herkimer convention for lieutenant-governor, and that the next legislature would pass a law providing for the construction of the Chenango Canal. From this statement an inference may have been drawn that Judge Tracy, as he was in fact nominated and elected lieutenant-governor, was a party to this arrangement, if such arrangement was actually made. Such an inference, however, would be contrary to what was intended by the author. We know, and have long known Mr. Tracy, not only as a man of high honor and integrity, but as a man possessing great delicacy of feeling, and are therefore sure *he* had no agency in the matter. Neither Judge Tracy nor any of his friends have ever brought this matter to our notice, but we seize this occasion to declare *what* were our intentions at the time we wrote, being, upon a careful examination of it, apprehensive that those who are strangers to Mr. T. might draw an inference from it which would be unjust to the character for purity and delicacy which he has always, as we believe, deservedly maintained.

J. D. H.

Upon further inquiry, since writing the above note, the author has received assurances from a source perfectly reliable, the correctness of which

Notwithstanding the severe pressure brought on Mr. Wright by the union of these great interests, he held with unshaken firmness to the grounds taken by him in the senate in 1827, and to the doctrines put forth in his report on the petition of David E. Evans. And in all his official communications to the legislature, and in his action as a member of the canal board, he maintained the same principles as are contained in that report. In the canal board these principles were also sustained by Col. Young, (who had early avowed them,) and we believe by a majority of the board.

We have before stated, that although Mr. Wright was, in the fall of 1828, elected a member of congress, the certificate of election was given to his opponent, Mr. Fisher, in consequence of some informality in the returns of the returning officers. Mr. Fisher therefore took his seat as a member of the twenty-first congress. Mr. Wright, it is true, had accepted the office of comptroller, and therefore could not, with propriety, retain his seat as a member of congress; but believing that from the result of the election in his district, the expressed wishes of a majority of the electors of the district would be defeated should Mr. Fisher continue to occupy the seat, he forwarded a petition to the house of representatives, claiming the seat in preference to Mr. Fisher. The question was decided without delay in favor of granting the petition, we believe with the approbation of Mr. Fisher himself, and as soon as that decision was made, Mr. Wright resigned.

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he does not doubt, that the selection of Judge Tracy, as the nominee for lieutenant-governor, was in no respect whatever connected with the Chenango Canal project.

The annual report of the comptroller for the year 1829 was made by Mr. Marcy, while he held that office. The first annual report of Mr. Wright was communicated to the legislature in January, 1830. It was an able state paper, and on examining it one will be astonished at the peculiar talent of its author, in presenting in a clear manner the character and amount of the various funds of the state, (we wish there were not so many of them, because we think their variety tends to confusion and mystery.) and in simplifying the most complicated, and rendering lucid the most abstruse financial matters.

The comptroller, on this occasion, stated that the general fund, which originally amounted to more than four millions of dollars, was then reduced to \$1,344,268.65, and was in a condition of rapid consumption. The fund called the general fund was mainly formed during the administration of George Clinton, from the avails of sales of the public lands in 1791.\* Other moneys belonging to the state were also thrown into this fund, until it acquired the magnitude stated by Mr. Wright. In earlier, and, as an old man we may be permitted to say, happier and purer days, when the current expenses of the state government were vastly less than when Mr. Wright made the report in question, the surplus of the income over and above the state expenditures, was annually invested and added to the original fund; and had this course been continued, its income would have been sufficient to have paid the current expenses of government, not only down to the present time, but for an indefinite period hereafter. But that course was not pur-

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\* See 1 Political History, p. 57, &c.

sued, and depredations were from year to year made on the capital of that fund for various purposes, until it has become nearly, if not quite, insolvent. The state, however, is rich in its common-school and literary funds, and its immense capital vested in canals. But we hasten to make the remark which we intended when we commenced this paragraph, which has been extended to a length we did not anticipate.

All the comptrollers, from the time of Samuel Jones, the first comptroller, seem to have felt an anxious and almost parental solicitude for the preservation of the general fund. This feeling is strongly manifested by Mr. Wright. And in truth there is much reason for it; it is money handed down to us from our forefathers—a sort of legacy in which every son and daughter of the state has an interest. So long as the income from that fund was sufficient to pay the necessary expenses of the government, we were free from taxes; and for extraordinary expenses, the old policy was, not to permit the state to incur any expense, without at the same time laying a tax sufficient to meet it when incurred, or a short time afterwards.

Mr. Wright states the canal debt at that time at \$7,706,013. The income arising from tolls and auction and salt duties, was much more than sufficient to pay the interest on the canal debt, and the surplus, after the payment of the interest, was solemnly pledged by the constitution for the payment of the principal as it should from time to time become due. Mr. Wright showed most clearly, that the income arising from the general fund, and from all other sources which could legally be made available by the state, would fail of defraying the expenses of the state for the ensuing year to an

amount of more than seventy thousand dollars. He therefore had the firmness to do that which is always disagreeable and unpopular, which was, to recommend a tax of one mill on the dollar on all personal and real estate, the avails of which should be applied to supply the deficiency in the income of the general fund, and the balance to be employed in reimbursing that fund the portion of its capital which had been abstracted from it.

"That some measures," says the comptroller, "should be taken by the legislature to meet the claims upon the treasury without incurring a public debt for that purpose, the comptroller cannot doubt. And that the true interest of the state would be consulted by adopting such provisions as would preserve the remainder of the capital of the general fund, and as might tend to restore that fund to an ability to meet the now reduced ordinary expenses of the government, he can as little doubt."

Again, speaking of the general fund, he says:—"But now to suffer that fund to be entirely consumed, or to neglect to sustain, or even to invigorate or restore it, would seem to be a reflection upon the policy which has hitherto protected and preserved it, and that too by taxation when it was necessary." \* \* \* "A tax of one mill on the dollar on the valuation of real and personal estate, within the state, will, in the opinion of the comptroller, not only supply the existing deficiency in the revenue, and arrest the further decline of this fund after the present year, but will also contribute something to its resuscitation. *He therefore recommends to the legislature the imposition of such tax.*"

The legislature did not adopt the recommendation.

The reader ought to have been reminded that Mr. Van Buren, who in November, 1828, was elected governor,

was, in the early part of March, 1829, appointed by Gen. Jackson, secretary of state of the United States, in consequence of which the executive government of the state of New York devolved on Mr. Throop, the lieutenant-governor, who continued to act as governor to the end of the gubernatorial term. Previous to the election in November, 1830, a state convention was held at Herkimer, for the nomination of state officers. Mr. Wright attended that convention as a delegate, from the county of Albany. Mr. Throop, in his communication to the legislature, had sustained and advocated the same principles in relation to the extension of internal improvements, and the increase of the public debt, as had been put forth by Mr. Wright in his report on the petition of David E. Evans, and others, and in his report as comptroller, to the legislature. This produced some opposition to him from the delegates from the valley of the Chenango, and from the Genesee Valley.

There was also another class of men, known by the name of the "workingmen's party," of whom Gen. Root was a favorite, and who, at a popular meeting at Albany, had nominated him for governor. These circumstances, connected with the partial feelings of some of Gen. Root's old democratic friends, induced a considerable portion of the convention to support the nomination of Gen. Root; but Mr. Wright, and finally a majority of the convention, supported Mr. Throop, and he was nominated and elected.

Mr. Wright, in his annual reports as comptroller, in 1831 and 1832, took the same ground as he did in 1830, and repeated his recommendation of a state tax. The governor also, in his annual message, reiterated the recommendation. A bill was brought into the senate in

pursuance of these recommendations, but it was contended by the friends of the construction of the projected canals, that before the general fund could be exhausted, there would be a sufficient surplus revenue from the canals, after paying all the costs of their construction, to defray the ordinary expenses of government, which would be a fair substitute for the income which could be anticipated from the general fund. We recollect of hearing a very able and eloquent speech, delivered by the lamented Maynard, a senator from Oneida county, in support of this position, in which he, with great skill and address, insinuated that this project of taxation had been brought forward merely as a bugbear to frighten those who were in favor of providing for the construction of the Chenango and other projected canals.\*

The course which Mr. Wright deemed it his duty to pursue in relation to the Chenango Canal, produced some feeling against him on the part of his political friends who advocated that measure: but such was the unshaken confidence reposed in him, that in 1832, when the term of his office expired, the opposition to his re-election was very feeble, and he was again nominated by a large majority of the democratic members, and chosen comptroller by the legislature. Such was his quiet and peaceful deportment, that his influence in matters in which his political friends or the public were concerned, was less *exhibited* than *felt*.

While he resided in Albany, which then was, and for a long time before and since has been, the focus of political excitement, and where the contest for place, for office, and power, is always fierce, and naturally calls into action

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\* The bill failed of becoming a law.

the efforts of all men who are supposed to have any influence, his cautious and retiring habits enabled him to retain his natural calmness amidst the whirlwinds and storms and war of the political elements which raged around him. We then resided in Albany, and although we did not belong to the political party to which Mr. Wright was attached, we recollect that an active political friend of his, (Mr. Livingston, long a clerk and once a speaker of the assembly,) with whom we were on terms of personal intimacy, frequently complained to us that he could never induce Mr. Wright to take any part in the contests between competitors for office. This cautious conduct on his part did not arise, as we believe, from policy, or a desire to avoid responsibility, but from the innate kindness of his nature, and his unwillingness to wound the feelings of any. On questions involving principle, he was firm and immovable. He in truth and spirit conscientiously adhered to the maxim so often repeated and so little practised, "*measures—not men.*"

But the time had now arrived when Mr. Wright was to be removed from the political whirlpool at Albany. In November, 1832, Mr. Marcy was elected governor of the state of New York, (Mr. Throop having declined a re-election,) and Mr. Wright, early in the session of 1833, was chosen by the legislature as his successor in the senate of the United States.

## CHAPTER VIII.

Senate of the United States—Mr. Gillet's contemplated Work—**Mr. Wright's** vote on the Force Bill and the Compromise Bill—He opposes Mr. Clay's Land Bill—Gen. Jackson's conduct in relation to the Land Bill—Marriage of Mr. Wright—Removal of the Deposites from the Bank of the United States—Mr. Clay's Resolution, and Mr. Wright's Speech thereon—His Speech on Mr. Webster's motion to Recharter the United States Bank—Session of 1834-5—Mr. Wright elected a member of the Committees on Finance and Commerce—His Speech on the last day of the Session—Mr. Van Buren elected Vice-President—Mr. Wright is a Member of the Baltimore Convention at the Nomination of Van Buren for President—Mr. Wright's conduct in the Senate in relation to the Anti-slavery movements—Bill for the Distribution of the Surplus Funds—Specie Circular—Mr. Wright elected Chairman of the Finance Committee—In 1837, re-elected to the United States Senate by the New York Legislature.

On the 14th of January, 1833, Mr. Wright took his seat as a member of the senate of the United States. There is no department of the government of this country which challenges more veneration than the United States senate; nor is there, as we believe, any political body on earth which deserves it better. It is, from the manner of its creation, calculated to draw into it the most talented and most patriotic men in the nation. The senators are elected, not by the masses, but by men chosen from the masses; they are the representatives of independent states, and in that respect resemble diplomatic agents and ambassadors. The duration of the office of senator is longer than that of any other elective office in the nation. The senate has equal or nearly equal power,

in the passage of all laws, with the house of representatives, a much more numerous body coming directly from the people. It holds a veto on the power of the president in the distribution of all the national patronage, and even a comparatively small minority of the senate can overrule the executive in any treaty he may negotiate.

Probably the familiar acquaintance which those who formed the constitution had with the machinery of the British government, in which the house of lords forms a part of the legislative power, induced in their minds a train of thought which led to the provision for the formation of our senate, as it bears some resemblance to that department of the English government. The senate also bears a remote resemblance to the diet of Germany. But the senate of the United States is far better calculated to draw into it talent, private virtue, and individual patriotism, than either the one or the other of the bodies just mentioned. In the house of lords, as well as in the diet, the right of membership is hereditary. Nothing can be more absurd than the recognising of an hereditary right to legislate. You might as well contend that the art of watch-making, or ship-building, could descend from father to son, as that the ability and knowledge requisite for making wise and good laws, should pass from the ancestor to the eldest male descendant. Hence, on entering the lobby of the house of lords in England, you may see grouped together, with power to legislate for that great empire, men rendered decrepit and imbecile by age, dissolute and reckless boys of twenty-one, men booted and spurred, ready for a fox-chase or a horse-race, gay lotharios, and ruined gamblers. But the senate of the United States presents an aspect entirely different. It is, and we trust will continue to be, composed of men of ripe years,

whose age and experience have taught them caution, and admonished them to deliberate before they act, and yet possessing their intellectual power in its full vigor,—men inured to habits of business and mental labor, and who, from the duration of their offices and the intelligence of their constituency, can have little temptation to pamper the evanescent prejudices which for the time being may happen to exist, or to court the momentary applause of a class that always has existed, and always will exist in every country, who not unfrequently cry “Hosanna to-day, and crucify to-morrow.”

Into a body thus organized, Silas Wright entered in the thirty-eighth year of his age. The American senate was at that time composed of men as eminent as this or any other country ever produced. There was the ardent, eloquent, and chivalrous Henry Clay; there were Calhoun, Webster, Benton, and White of Tennessee; there was Rives of Virginia; and there too was the impetuous, but polished and courteous Preston; and a host of others, distinguished for their long experience, their skill and tact in forensic debates, and their learning and talents. What must have been the anxious feelings—what the throbings of the heart of the modest graduate of Middlebury College! But a truly great mind, though imbued with modesty, and sometimes depressed by diffidence, is always secretly conscious of its own powers. Mr. Wright did not despond—he did not despair of acquiring a respectable standing even in that august body: like the gallant military officer, who, when the commanding general inquired if he could take a strong fort by storm, replied, “General, I will try,” and did try, and succeeded—so also did Mr. Wright “try,” and triumphed.

We shall not attempt to follow Mr. Wright minutely through his senatorial labors ; we are satisfied, if we were to attempt it, so long time has elapsed since they were performed, and so great was the distance we were from the scene of action, that we should in all likelihood do injustice to the subject of these memoirs. The journals of a legislative body and the public newspapers (the only sources from which we could hope to obtain information) furnish but a meager and sometimes an incorrect account of the labors of the legislator and statesman. We feel confirmed in the propriety of this course from the fact, that we are well assured that Mr. Ransom H. Gillet, who is now, and for some time past has been stationed at Washington as solicitor of the United States treasury, is now employed, so far as his official duties will permit, in compiling for publication the speeches delivered by Mr. Wright, and the reports and other official documents which emanated from him. Mr. Gillet was a member of congress for some time while Mr. Wright was in the senate, and was a citizen of St. Lawrence, and long and intimately acquainted with Mr. W., and highly esteemed by him. All who know Mr. Gillet know him as a man of talents, candor, and integrity. There can be no doubt that his book will contain much interesting political information, and will be a valuable contribution to the literature of the country.

We will merely remark that the first session of the twenty-second congress was one of deep and thrilling interest.

During the preceding year the nullification doctrines of Mr. Calhoun had been pushed to an alarming extent in South Carolina, and finally elicited the celebrated proclamation of Gen. Jackson. This proclamation led

to the passage of what was called the *Force Bill*, for which Mr. Wright voted.

Another highly important measure which came before the senate soon after Mr. Wright became a member was the compromise bill, introduced and probably devised by Mr. Clay. To some of the details of this bill Mr. Wright was opposed, but in the end he thought it his duty to vote for it on its final passage. Before giving his vote, however, he is reported by Mr. Niles, in his Register, to have stated briefly that "his strongest objection to the bill was, that it endeavors to bind the action of future congresses. He considered this as a provision which was puerile in itself, and one which would never be considered as binding. He then viewed the circumstances under which congress was called upon to act on this bill, imperfect as it is. He knew that he should be charged with legislating under the influence of his fears. He could not suffer his fears to govern his conclusions. But he would not disregard them. There had been a deep and settled discontent in a certain portion of the country against our legislation, and he could not bring himself to regard that discontent lightly."

"Under the expression of that feeling, congress had done what, if they had not done, would have left the Union dissolved. The operation of that discontent was against the whole body of laws for the collection of the revenue; and would, if carried on, have destroyed all the means of the government, and without the purse, no government could exist. He had, therefore, come to the question, deeply impressed with the conviction, that it was his duty to give his vote to prevent such an evil. He had been long of the opinion that the revenue ought to be reduced. He had also been long impressed with a

sense of the inequality of the tariff system. No one had questioned the principle on which this bill was founded; it was only in reference to the details that difference of opinion existed. A part of the country is deeply excited, deeply exasperated; by what means, it was not for him to inquire; but the condition of things was such as to render it uncertain whether the Union can exist even until the month of December, unless something shall be done."

The only other great measure which occupied the attention of congress, during this session, was a bill brought forward by Mr. Clay for the distribution of the avails of the sales of the public lands among the several states. This bill was opposed by Mr. Wright, but it passed both houses of congress, by large majorities in each house. Congress, by the constitution, became defunct on the 4th day of March. The bill was not sent to the president until within less than ten days previous to that day; and Gen. Jackson retained it until the meeting of the next congress, and then vetoed it.

It has been said that if Gen. Jackson had returned the bill with his veto to the twenty-second congress, both houses of that congress would have passed it by two-thirds majority. We doubt the fact; but if the allegation was true, and Gen. Jackson knew it, and on that account neglected and refused to return the bill to the twenty-second congress, he certainly evaded and virtually violated an important article of the constitution.

On the 11th of September, 1833, Mr. Wright was married to Miss Clarissa Moody, by his old friend and classmate, the Rev. Henry S. Johnson, whom we have several times mentioned. There is something interesting in this connection, independent of the tender affection

which existed between Mr. Wright and his bride. Miss Moody was the daughter of the friend of his father, the patron and friend of Mr. Wright. He had been an inmate in the house of that friend for fourteen years; he came there solitary, poor, and a stranger; he was now a senator of the United States:—but this change in his situation did not weaken his partiality for the object of his affection; it did not diminish his regard for the friend of his father, nor his gratitude to the man who had aided him in time of need, nor did it cool the ardor of his friendship for the companion of his boyhood and his youthful studies. It has been said, and no doubt truly, that an unkind word, or even look, never passed between Mr. Wright and his wife.

By the law passed in 1816 incorporating the United States banking company, the national revenue was required to be deposited in the Bank of the United States: but the secretary of the treasury was authorized to remove such deposits whenever he should deem them unsafe in that bank.

In the summer of 1833, Gen. Jackson, believing, as he alleged, that the revenue was unsafe in the keeping of the United States Bank, requested Mr. Duane, then secretary of the treasury, to direct the deposits of the national revenue to be removed. This the secretary declined doing, whereupon the president removed him, and appointed Mr. Taney, then attorney-general, in his place, who, in accordance with the wishes of the president, removed the deposits. It is no part of our business to justify or condemn these measures: our duty is discharged when we state the facts as they transpired, and we now merely remark that these acts of the national executive produced much excitement throughout the

country, and especially in the northern and middle states. They complained that the removal of Mr. Duane, because he declined, contrary to his own opinion, to transfer the funds of the nation from the Bank of the United States to the vaults of the banks chartered by the respective states, was an unwarrantable exercise of power, in violation of the law chartering the bank, and at war with the genius of the constitution of the United States. The members of the twenty-third congress therefore assembled, in December, 1833, under feelings of great excitement. Early in the session, Mr. Clay introduced the following resolution :

"Resolved, That the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself an authority and power not conferred by the constitution and laws, but in derogation of both."

This resolution produced a debate which lasted several days, and nearly all the prominent members of the senate spoke on the subject. Mr. Wright, who was an ardent, and we have no doubt an honest supporter of Gen. Jackson's administration, opposed the resolution in a speech which afforded decisive evidence of great ingenuity, and talents of a high order. He urged, with great plausibility, that if the allegation made in the resolution was correct and true, the president ought to be impeached : that on the impeachment the senate would be, by the constitution, his judges ; and that to adopt the resolution would be to prejudge a question which would of necessity come before them as members of the high court of impeachment. He further insisted that the facts of the case did not support the resolution. He concluded his argumentative and able speech by the following eloquent appeal to the feelings of the senators :

"Who, sir, is the man, the citizen of our republic, upon whom we are about to pronounce our high censures? Is it Andrew Jackson? Is it that Andrew Jackson, who, in his boyhood, was found in the blood-stained fields of the Revolution? who came out from that struggle the last living member of his family? who, when the sound to arms again called our citizens around the flag of our country, posted himself upon the defenceless frontiers of the South and West, and bared his own bosom to the tomahawks and scalping-knives sharpened for the blood of unprotected women and children? who turned back from the city of the West, the confident advance of a ruthless, and until then, an unsubdued enemy, and closed the second war against American liberty in a blaze of glory, which time will not extinguish? who, when peace was restored to his beloved country, turned his spear into a pruning-hook, and retired to the Hermitage, until the spontaneous voice of his fellow-citizens called him forth to receive their highest honors, and to become the guardian of their most sacred trust? Is this the man who is to be condemned without a trial? who is not entitled to the privilege allowed him by the constitution of his country? Sir, this surely should not be so. For the very act which saved a city from pillage and destruction, and the soil of his country from the tread of an invading enemy, this individual was accused of a violation of the constitution and laws of his country. For the very act which entitled him to the proud appellation of 'the greatest captain of the age,' he was convicted and condemned as a criminal. But, Mr. President, he was not then denied a trial. Then he was permitted to face his accusers, to hear the charges preferred against him, to offer his defence, and to be present at his sentence. In gratitude for

these privileges of a freeman, he stayed back with his own arm the advancing wave of popular indignation, while he bowed his whitened locks to the sentence of the law, and paid the penalty imposed upon him for having saved and honored his country.

“Grant to him, I beseech you, Mr. President—I beseech the senate, grant to that old man the privilege of a trial now. Condemn him not unheard, and without the pretence of a constitutional accusation. His rivalships are ended. He asks no more of worldly honors. ‘He has done the state some service.’ Age has crept upon him now, and he approaches the grave. Let him enjoy, during the short remainder of his stay upon earth, the right secured to him by the constitution he has so often and so gallantly defended; and if, indeed, he be criminal, let his conviction precede his sentence.”

The resolution, nevertheless, passed the senate, but failed of obtaining a majority in the house of representatives.

About the same time, Mr. Webster made a motion for leave to introduce a bill rechartering the United States Bank for a limited time. Against that motion Mr. Wright made another able speech, in which, among other things, he said:—

“I cannot, then, be mistaken when I say, that if the Bank of the United States would cease its efforts for, and its hopes of, a re-existence, and would endeavor to perform its duty to the country, by closing its affairs with as little injury as possible to any individual or public interest, the state banks would be able to extend their loans, confidence would be restored, and the pressure upon the money-market would soon cease. Apprehension,—a just apprehension of the hostile movements of this great institu-

tion,—is the most powerful cause of the present scarcity of money. This scarcity must exist so long as this apprehension continues. How, then, is it to be allayed? would seem to be the pertinent inquiry. The honorable senator from Massachusetts answers us by the bill upon your table. Recharter the bank; appease the monster by prolonging its existence, and increasing its power. I say, no, sir; but act promptly and refuse its wish: destroy its hope of a recharter, and you destroy its inducement to be hostile to the state institutions. A different interest—the interest of its stockholders—to wind up its affairs as profitably to themselves as possible, becomes its ruling object, and will direct its policy. The more prosperous the country, the more plenty the money of other institutions, the more easily and safely can this object be accomplished: and every hope of a continued existence being destroyed, that this will be the object of the bank is as certain as that its moneyed interest governs a moneyed incorporation. Mr. President, this is unquestionably the opinion of the country. Look, sir, at the files of memorials upon your table, and however widely they may differ as to their views of the bank, they all hold to you this language, ‘act speedily, and finally settle the question.’

“But we are told, sir, that the country cannot sustain the winding up of the affairs of the bank. Is this so? What does experience teach us upon this subject? The old Bank of the United States, within four months of the close of its charter, was more extended in proportion to the amount of its capital, than the present bank is at this moment, and still it is almost two years to the close of its charter. The old bank struggled as this does for a re-existence: the country was then alarmed: memorials in

favor of the bank were then, as now, piled upon the tables of the members of congress ; the cries of distress rung through these halls then as distinctly as they now do ; nay, more, gentlemen were then sent here from the commercial cities to be examined upon oath, before the committees of congress, to prove the existence and the extent of the distress ; business was then in a state of the utmost depression in all parts of the Union ; commerce was literally suspended by the restrictive measures of the government ; trade was dull beyond any former example ; property of all kinds was unusually depressed in price ; and the country was on the eve of a war with the most powerful nation in the world. Still, congress was unmoved, and the old bank was not rechartered. Such is the history of that period, and, with the final action of congress, all knowledge of the distress ceased. Who has ever heard of disasters to the business of the country, proceeding from the winding up of the old bank ? I, sir, can find no trace of any such consequences. I do find that, in a period of about eighteen months after the expiration of the charter, the bank disposed of its obligations, and divided to its stockholders about eighty-eight per cent. upon their stock.

"It is now admitted, on all hands, that the country is rich and prosperous in an unusual degree : property of all kinds is abundant ; commerce is free, and extensive, and flourishing, and business of every description is healthful and vigorous. If then, we cannot, in this condition of things, sustain the closing of the affairs of this great moneyed incorporation, it is safe to assume that the country will never see the time when it can do it. Grant it longer life and deeper root, and in vain shall we try in future to shake it from us. It will dictate its own terms, and com-

mand its own existence. Indeed, Mr. President, the whole tendency of the honorable senator's argument seemed to me to be, to prove the necessity of a perpetual bank of this description; and we have been repeatedly told, during the debate of the last three months, that this free, and rich, and prosperous country, cannot get on without a great moneyed power of this description to regulate its affairs. The bill before the senate proposes to repeal the monopolizing provision in the existing charter, and the honorable senator tells us that this is to be done that congress may, within the six years over which this is to extend the life of the present bank, establish a new bank to take its place, and into which the affairs of the old may be transferred, so as to be finally closed without a shock to the country. Sir, this is not the relief I seek. My object is the entire discontinuance and eradication of this or any similar institution. We are told the distresses of the country will not permit this now. When, sir, will it ever permit it better? When will the time come, that this odious institution can be finally closed with less distress than now? Never, while cupidity obeys its fixed laws; never, sir, never!

"This distress, Mr. President, did not exist when we left our homes; we heard not of it then; it commenced with the commencement of our debates here; and I doubt not it will end when our debates end, and our final action is known, whatever may be the result to which we shall arrive. It must necessarily be temporary, and it does not prove to my mind the necessity of a bank, but the mischiefs a bank may produce. I care not whether it be or be not in the power of the bank to ameliorate the evils now complained of. That it can cause them in any manner, is proof that, if the disposition exist, it can cause

them at pleasure ; and this very fact is the strongest evidence, to my mind, that no institution, with such a power, ought to exist in this country.

"Sir, the subject of our present action involves two great first principles : one of constitutional power, and one of governmental expediency. Upon neither should our action be governed solely by considerations of temporary derangement and distress in the money-market. Revulsions in trade and business, and pecuniary affairs, will happen. They must be temporary : the country will restore itself, and money will again be plenty : but the settlement of important principles must involve consequences of an enduring character.—consequences which will exert an influence for good or for evil, through all time."

These and other great efforts of Mr. Wright before the close of the session, elevated him to a position which placed him in the first ranks of the orators in the senate. After delivering the speech from which we have last quoted, it is said Mr. Webster, who, from the coldness and acerbity of his temper, is not in the habit of complimenting any one, and more especially his political opponents, did, on this occasion, pronounce a high encomium on the ability displayed by Mr. Wright.

The session terminated on the 30th of June, 1834, and immediately after his return to the state, Mr. Wright was invited by the democratic citizens of Albany, in testimony of their gratitude and respect for his services, to accept of a public dinner. To this invitation he made the following characteristically modest reply :

" You will believe me, gentlemen, when I say that from no quarter could such a mark of friendship and confidence come to me more acceptably, than from the dem-

ocratic citizens of Albany. With them for my associates and counsellors, and under their personal observation, has much the largest portion of my public duties been discharged; and this evidence that I have been so fortunate as to secure their approbation, is most gratifying, as it permits me to hope that my efforts to be faithful to the public have not been wholly unsuccessful. A proper attention to the same duties compels me to ask you, and those whom you represent, to excuse me from meeting you and them as you request. My short stay in the city must be wholly devoted to public business and public interests of great importance, a necessary attention to which brought me here thus early, on my way to the seat of government; and while I will not attempt to express my regret that I cannot enjoy the social meeting to which you invite me, I am consoled by the reflection that the loss will be mine—not that of the friends who are thus partial to me."

At the short session which commenced on the 4th of December, 1834, and ended on the 4th of March, 1835, Mr. Wright was elected a member of two important committees; that is to say, the committee on finance and that on commerce; and although his labors as a member of those committees must have been arduous, he was not required to make any public exhibition of his services until the very last day of the session, when news arrived which gave reason to apprehend danger of an immediate rupture with France. As there was a probability that war might break out with that nation during the recess of congress, the friends of the administration in the house of representatives added a clause to the fortification bill appropriating the sum of three millions of dollars to be expended under the direction of the president, if he should

deem it necessary. The opposition members of the senate, who then held a majority in that house, refused to concur with this amendment when it came back from the house, on the ground that it was unnecessarily confiding too much to the discretion of the president. After several of the senators on both sides had spoken, and there appeared to be a majority against the appropriation, Mr. Wright addressed the senate in a most powerful, and, as it subsequently appeared, effective manner.

"He said he hoped the senate would not adhere to their disagreement. He felt himself bound to state that he did not know that he had heard of the constitution being broken down—destroyed—and the liberties of the country overthrown, so frequently in that senate, as to render him callous to the real state of things. For the last sixteen months these fears and forebodings had been so strongly and often expressed on that floor, that they had been forcibly impressed upon him; yet, he must say, that he was incapable of perceiving a particle of their effects. No evidence had he seen of them; nor could he now partake of the alarm which some gentlemen pretended to feel, when he saw that the asseverations made at this time came from the same source. What had the senate now before it? A bill from the house of representatives—from the immediate representatives of the people, proposing to provide for the defence of the country. What had honorable senators debated? The danger of executive power. Were, he would ask, those representatives, sitting at the other end of the capitol, the most likely to contribute to that danger? Was that the source from which senators were compelled to look for danger in that respect? Such an idea had never occurred to his mind. Under what circumstances did the

members of the other body permit the appropriation? He believed, and he spoke on good authority, that our minister at the court of France had informed this government that it was problematical that the French might strike the first blow against us by detaining our fleet, now in the Mediterranean. Congress were on the point of adjourning; and being in possession of such advices from our minister, they had thought proper to act as they had done in regard to this appropriation, and he would inquire, by what notion it was, that the senate were to be impressed with the danger of putting this power into the hands of the executive—that our liberties were to be destroyed, and the constitution trampled upon? Ay, in making an appropriation for the defence and safety of the country from a foreign enemy!

"The honorable senator," (Mr. Leigh,) said Mr. Wright in continuation, "has exhibited to us the dangers—of what? Not a *foreign* enemy, for he would hardly dread the landing of a foreign foe at our doors—but a *domestic* enemy is to ruin us! I remember, though it was at a period when I was very young, that a certain portion of the country held the same opinion as the honorable senator, and, when a *foreign* enemy did land in it, no alarm was shown, but the people there were alarmed at the *domestic* enemy. How was the foreign enemy met? As the honorable senator has most eloquently said—breast to breast? No; that enemy was seen holding a Bible in his hand, and the American citizen putting his hand upon it, and swearing allegiance to the British government. Such is not *my* feeling in regard to a foreign enemy. I would prepare to repulse him at the first step; I would prepare to prevent him from touching my native soil, if I had it in my power."

The effect of this earnest appeal was, that the majority relented, and a committee of conference was appointed, who adopted the principle of the amendment, but reduced the amount of the appropriation. The senate concurred in the amendment proposed by the committee of conference.

We have before remarked that Mr. Wright always spoke for the purpose of convincing those whose duty it was to act. His reasoning was addressed to the members of the senate, not to the lobby—to those in the house, not to the multitude without.

We omitted to state in its proper place that when Mr. Wright was elected to the senate, his friend, Mr. Van Buren, was vice-president of the United States, and then well known to be a candidate for the office of president, when the term of Gen. Jackson should expire. It is in our opinion highly probable that Mr. Van Buren, being well acquainted with the talents and tact of Mr. Wright, and knowing that he could rely with the most perfect confidence on his friendship and fidelity, and being sensible that he should eminently need in the senate of the United States, of which he was the presiding officer, precisely such a man, and such a friend as Mr. Wright, felt a deep interest in his election, and no doubt exerted what influence he possessed at Albany to accomplish that object. Mr. Wright, as we have seen, did not disappoint his expectation: on the contrary, he acquired a standing and influence in the nation which, no doubt, exceeded even Mr. Van Buren's anticipations.

Of the democratic convention held at Baltimore in the summer of 1835, for the nomination of a successor of Gen. Jackson, Mr. Wright was a member, and of course supported the nomination of Mr. Van Buren, which was effected with great unanimity. His election being certain,

and as there is at all times a large number ever ready to worship the "rising sun," and as Mr. Wright was known to be the confidential friend of the nominee for the presidency, the Baltimore nomination added to the power and influence of Mr. Wright, as well in the national legislature as among the people.

At the session of congress in December, 1835, he was again placed on the committee of finance. The land distribution bill was again brought forward in the senate, and again passed that body, though it was opposed by Mr. Calhoun, as well as by Mr. Benton and Mr. Wright.

During this session a petition was presented by the society of Friends in the city of Philadelphia, praying congress to pass a law for the abolition of slavery in the District of Columbia. On the motion of Mr. Buchanan to refuse to receive the petition, it was rejected, only six members voting for its reception, Mr. Wright voting with the majority. Before the end of the session a bill was passed to "*prevent the transmission through the mail of printed matter calculated to excite the prejudices of the citizens of the south & in states in regard to the question of slavery.*" Mr. Wright gave his vote for this bill. So far from perceiving any justification, we are unable to discover even a plausible excuse for these votes, more especially the last. We cannot exclude from our mind the suspicion that Mr. Wright was apprehensive that his votes on these occasions might have an important effect on the support that his friend would receive for president in the states south of the Potomac, and that the maxim of "*measures—not men,*" which we have said generally controlled his political actions, ceased at this moment to influence him. We have, however, no doubt but that before his death he deeply regretted those votes.

Previous to the removal of the depositories the national debt had been extinguished, and the flourishing condition of the nation, and the extent of its commerce, produced a surplus of revenue, which remained in the United States treasury unexpended, to the amount of forty millions of dollars. This enormous sum was deposited in the banks selected by the secretary of the treasury: and they thus became the fiscal agents of the government. They were hence called "*pet banks.*" How was this surplus to be disposed of? The senators opposed to the administration, with a part of its friends, were in favor of distributing it among the several states, in proportion to their representation in congress. This scheme was opposed by Gen. Jackson, Mr. Van Buren, Mr. Benton, and Mr. Wright; but a bill for that purpose was introduced, which, after being slightly modified, to avoid a constitutional objection which was entertained by the president and some of his friends, it passed both houses, and became a law. But previous to the passage of this law, the great amount of government funds in the pet banks enabled them to loan vast sums of money (and in this course it is but just to say they were encouraged by intimations from the executive department) to all and every one who had any credit, and who wished to borrow. The profuse issues of the pet banks enabled all other banks to increase their issues, and by this means the whole country became flooded with a paper currency. In this state of things imports were increased, because the redundancy of money enabled the merchant to make great and rapid sales of goods. But this was not all: a rage—a perfect mania for speculation in every thing, and especially in real estate in villages and cities, and in the public lands, seized the minds of men, and the

current carried along with it many of the most cautious and careful business men in the community. Immense quantities of lands belonging to the United States were sold to speculators, and paid for in moneys either directly or indirectly obtained from the pet banks. This money was paid to the receivers at the several land offices, and by the receivers deposited in the banks, when the same money was perhaps on the same day reloaned to the land speculator, who again, with that very money, purchased other lands, when it again passed through the same process. To check, if not to put a period to this ruinous system, Gen. Jackson, on the 11th day of July, 1836, issued his celebrated specie circular, by which he directed the receivers of money for the sale of the public lands not to receive any thing in payment but gold and silver coin. This, together with the distribution of the surplus in the treasury, produced a revulsion tremendous in its consequences, of which we shall have occasion hereafter to speak more particularly.

At the meeting of congress in December, 1836, it was found that there was a nominal majority in the senate favorable to the administration, and Mr. Wright was elected chairman of the finance committee,—a station which, though important and honorable, was at this time by no means enviable, since he had to encounter a furious and highly-talented opposition, consisting partly of his own professed political friends, among whom was his colleague, Mr. Tallmadge, who entertained financial views entirely adverse to those of Mr. Wright. The specie circular was made the subject of severe animadversion, and many of the nominal friends of the administration disapproved of it. A law or resolution was accordingly passed, which nullified it, but General Jackson, that

man of "*the iron will*," refused to carry it into effect, on the alleged ground that it was indefinite and uncertain.

During the session of the New York legislature in 1837, Mr. Wright was again elected to the senate of the United States for six years succeeding the 4th of March of that year. There was, it is true, some opposition to his re-election, growing out of the banking interest in the state, and the hostility of those who were anxious to prosecute and extend internal improvements by canals. He was nevertheless nominated in caucus by a large majority, and subsequently elected.

When the power and influence of the two great interests we have mentioned are considered, in connection with the known partiality of the people of this state for rotation in office, the evidence furnished by this re-election of the fixed and almost unexampled confidence in the integrity and patriotism of Mr. Wright, and the just appreciation of the value of his services by the democratic party of his own state, is as obvious as it is honorable to his fame and memory.

## CHAPTER IX.

Suspension of Specie Payments by the Banks—Extra Session of Congress in September, 1837—Mr. Wright's Opinion on the Subject of the Suspension of the Banks and of the Independent Treasury, as expressed by him previous to the Extra Session of Congress—At the Extra Session Mr. Wright reports the Independent Treasury Bill—It passes the Senate, but is lost in the House of Representatives—He brings in the same bill at the Regular Session, but it fails of passing—July 4, 1840, the Bill becomes a Law—Mr. Wright votes for Mr. Clay's Resolution against any interference with Slavery in the District of Columbia—Mr. Wright's Oration delivered at Canton in 1839—His Efforts to promote Mr. Van Buren's Election in 1840.

BUT the time was come when the paper and credit system, bleated and swollen to its utmost tension, could no longer be sustained. Its explosion produced a shock which was felt not only in our commercial cities, but in every neighborhood and hamlet in the United States. The suspension of specie payments by the banks, which occurred in 1837, was owing to a variety of causes, all operating at the same time.

It has been already stated that during the years 1835 and 1836 importations of goods from Europe were very great. Many of these goods were purchased on credit, and in 1837 the English merchants called loudly on their American customers for remittances. The balance of trade being at that time decidedly against this country, these remittances, as well as the payment for new goods were required to be in specie.

A large proportion of the stocks issued by several of

the states of the Union, during two or three preceding years, were held in England, and the interest on those stocks could be paid only in coin.

The rage for the purchase of public land still continued, but the operation of the specie circular on the purchase of those lands produced a constant drain of gold and silver from the vaults of the banks.

The distribution of the surplus revenue, instead of diminishing, from the manner in which the distribution was made by Secretary Woodbury, increased the pressure. An immense capital, which formerly was active, had recently been invested in real estate, and was now dormant and wholly unproductive. To add to this array of difficulties and embarrassments, the Bank of England, alarmed at the condition of the monetary affairs in America, refused to discount for the American bankers in London and Liverpool, and for the houses engaged in the American trade.

The pressure began early in the spring of 1837, and by the first part of May, when a great amount of bills of exchange drawn by the New York merchants upon their correspondents, and on houses in which they believed they had credit in England, were returned protested, the distress became extreme. A delegation from the merchants in New York was sent to the president, (Mr. Van Buren,) who requested him to rescind the specie circular, and to delay the collection of bonds given for duties. He complied with the last, but denied the first request. Immediately on the return of the delegation, all the banks in the city of New York, and within a day or two afterwards, all the banks in the United States, suspended specie payments. At that moment they held in their coffers forty millions of dollars, which they had received in trust, and which belonged to the United States. In this lam-

entable condition of things, the president issued a proclamation summoning an extra session of congress, to meet on the 4th day of September of that year.

By the condition of the charters, we believe, of all the banks in the state of New York, a refusal to pay in specie their notes on demand, was declared to be a forfeiture of their charters. In the present emergency they applied to the legislature, then in session at Albany, praying the passage of a law authorizing them to suspend the payment of their notes for a limited time. The legislature granted their request, and on the sixteenth day of May enacted a law, that "every provision of law in force, requiring or authorizing proceedings against any bank in this state, with a view to forfeit its charter or wind up its concerns, or which requires such bank to suspend its operations and proceedings in consequence of a refusal to pay its notes or evidences of debt in specie, is hereby suspended for one year."

We may well imagine, from the position held by Mr. Wright as a senator and as chairman of the finance committee, and the interest he felt in the success of Mr. Van Buren's administration, that he must have viewed the present condition of things with deep and painful anxiety. He was then at home in Canton, on his farm, engaged in its cultivation, but his vigorous and ever active mind was employed in devising and maturing schemes for the relief of his country.

While in this retirement he wrote two numbers on the subject of the monetary affairs of the state and nation, which were published some time before the extra session of 1837, in the St. Lawrence Republican, with a copy of which we have been kindly furnished by a friend. These numbers are valuable, not only because they furnish one of the

finest specimens of terse, neat, and elegant composition, but because they show the action of the mind of Silas Wright on some great questions which were then novel, and demonstrate the truth of propositions which although then put forth for that particular occasion, may be again, and indeed are at the present moment, highly important. For these reasons we hope we shall be excused for presenting to our readers the substance of those articles.

The title given by Mr. Wright to these numbers is "The Times," and the first number treats of "The probable continuance of the Suspension of Specie Payments by the Banks." The remarks of the author are especially applicable to the suspension law of this state, which we have just quoted. The author thus introduces himself to his readers :

"The discussion of this question involves points of delicacy, of which we trust we are not insensible. We can say with perfect truth, however, that no hostility to any banking institution in this state, or country, and no prejudice against banks generally, leads us to the discussion.

"In our view of the matter, the answer to the question, when *shall* the banks resume specie payments, or take the consequences imposed by their charters for a failure to do so, rests with the people. It is, therefore, not only proper, but imperative upon the press, that the question shall be early discussed, and the attention of the people drawn to it in all its bearings."

He goes on to say that there are three distinct interests involved in the question ; those interests are that of the banks, their customers, and the people. On the subject of the interest of the banks, the writer says :

"Under this head we trust we may assume one posi-

tion, without the apprehension of contradiction or question, from any quarter whatsoever, and that position is, that it is the interest of every bank to continue the suspension of specie payments so long as they can keep their credit so as to make their notes current with the community as money.

"The incorporated banks have vast privileges, and still more important exemptions. Their privilege of issuing, by express authority of law, their paper promises to pay gold and silver on demand as currency, to take the place of gold and silver in the hands and pockets of the people, is nothing less than the delegation to them of one of the most delicate, important, and responsible prerogatives of the sovereignty of any civil government. Their exemption from liability to pay any description of their debts, beyond the mere amount of stock paid in to the bank, is an invidious privilege to these artificial corporations over those extended to natural persons, the citizens and freemen of our country, which would startle every honest mind, not familiarized, by custom and use, to the legislative preference for soulless paper existences, over the persons of God's creation, with hearts and souls and consciences, and at least some sense of moral obligation. The only real consideration to the community for this privilege of creating currency on the one hand, and exemption from liability for the most just debts on the other, is the single, simple, and most just obligation to pay on demand, *at the banking-house*, the gold and silver for their promissory currency, their bank notes, which are mere promises to pay gold and silver. When this obligation is discharged by legislation, or the voluntary action of the banks, the people lose wholly their slender equivalent for one of their most important rights, surrendered to these

incorporations ; the institutions are discharged from their only onerous responsibility, and what is called currency is the mere form of a promise to pay, most tastefully executed, without any intention on the part of the promiser to pay, and with the knowledge on the part of him who receives the promise as money, that it will not be paid.

"The bank that issues notes which it cannot redeem in specie, while the obligation to pay specie imposed by its charter remains unannulled by legislation, and unrevo<sup>k</sup>ed by the bank, practises a fraud upon the public, for which a natural person would be convicted of the crime of swindling, and have a cell assigned him in some one of the public prisons provided for the punishment of high crimes against the peace and safety of civil society ; but the bank which so issues bills, after its obligation to re-deem in specie has been revoked by itself, in a public declaration, persisted in by its practice, or annulled by legislation, is guilty of no fraud against the public, or individuals. It is true, the bank promises to pay, but it declares before the promise, and that declaration is made to him who receives the promise, that it will not pay. He, therefore, cannot complain that the promise is not fulfilled, who was told, before it was given, that it would not be fulfilled.

"Such is the present relation between the banks of this state and the people, produced by the published declaration of the banks that they would not redeem their notes with gold and silver, and the law of the legislature exempting them from the severe penalties imposed by their charters for this act of faithlessness to the community.

"Who then can doubt the soundness of the position with which we set out, that it is the interest of every bank to continue the suspension of specie payments to the

latest hour at which they can sustain their present credit and the present circulation of their notes without those payments?"

Mr. Wright then proceeds to show, and does most conclusively show, that the substantial interest of the legitimate customers of banks does not, although that of the speculator does, require the continuation of the suspension.

With respect to the third party who have an interest in the question, whether the right of the banks to suspend payment of their notes longer than the year allowed by the legislature should be extended, which third party, it will be recollect, is *the people*, Mr. Wright says:

"For the last six or seven years the people of this state, through their representatives in the legislature, *have been much too indulgent in yielding to the capility of individuals, and the personal and unwearied solicitations of the interested*," for local bank charters; and the mischiefs resulting from that mistaken lenity are now visiting themselves upon us with a severity which usually pursues any criminal laxity of vigilance in a popular government. Almost from the commencement of our government, state and national banks have been incorporated by legislative authority, and by the powers and privileges granted to them, have been made the practical trustees of the currency of the people. As we have receded from the days of the revolution, the sufferings of that period, and one of the most severe among them was

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\* Every old member of the legislature knows this to be true; and Mr. Wright himself could have testified, from his own experience, many things in relation to the personal and unwearied solicitations of the interested for local bank charters.—EDITOR.

a depreciated paper currency, have become dim in the recollection, and in just about that proportion we have increased our banks and our paper circulation. But one revulsion of a general character anterior to the present time, has overtaken us in this career of substituting *credit* for *money*. That revulsion, much less general and severe than the present, was occasioned by the greatest of all national calamities, a foreign war and a barren treasury, and was made imperative much more by the wants of the national treasury, and its calls upon the banks for support, than from any exigencies growing out of the private and ordinary transactions of the banks themselves. In consequence of this, the banks were countenanced and sustained by the people in their suspension of specie payments. Then the choice for the people to make was, between the preservation of their soil and their liberties, assailed by a most formidable foe, and the preservation of their currency, impaired to support the government in the arduous struggle.

"Now we have a revulsion entirely universal, and that immediately succeeding a period of prosperity such as no country upon the face of the earth ever before experienced, and without any national calamity of any character whatsoever, preceding or accompanying it, with which it can be in any possible way connected. It has proceeded wholly from overtrading, excessive speculations, and all sorts of extravagance consequent upon excessive banking, and the cheapening of credits in every department of business. All the banks have suspended specie payments, and we have an inconverntible paper currency depreciated, upon an average, full ten per cent. below the par value of money.

"This is the injury under which the whole people now

suffer; and its necessary consequences, an instability in the prices of property, the too great depression in the value of property generally, and the perfect uncertainty whether that which is currency, is money to the citizen when he goes to his rest at night, may not be valueless paper when he wakes in the morning, attend this derangement of our currency much more closely and extensively than upon any former occasion, because the causes now apparent for this suspension by the banks are so insufficient to excuse the course pursued.

"What is now the choice and duty of the people? They have no great national interest to balance against this great evil. In a national sense, all but this is well. Their direct interest, then, is the most speedy restoration of their currency. The power is with them. We have shown that no interest involved is entitled to interpose itself between them and this vital object. This interest is paramount, and should command the popular action. We have urged a strict obedience to the law, and a consequent strict compliance with all the provisions of the extension act of the present legislature.

"All this being done and suffered, we say the people should command an immediate restoration of specie payments. Not a day more should the continuance of the suspension be suffered. Members should be sent to the next legislature, whose principles and opinions are with the people upon this point. With them is the power; and if they will it, the continuance of the suspension of specie payments by the banks will end with the day which closes the action of the present suspension law. The banks would not have forfeited their charters if that law had not passed. Some few institutions, perhaps, insolvent in fact, might have been wound up; and the

sooner that is done now the better, for every great interest, public or private : but the solvent banks, we repeat, would not have incurred the forfeiture. They were careful so to make their movement as to compel legislative action, if legislative action were to be had, within the ten days allowed them by their charters to suspend, and the resumption of specie payments was at their option after the final adjournment of the legislature.

"Let, then, the banks now know that that act of suspension is the last, and let them and the next legislature be prepared for the expiration of that law."

These views of Mr. Wright were copied from the St. Lawrence Republican into the Albany Argus and other papers, which had an extensive circulation ; and so conscious was every reader of the truth of his statement, and so clear and convincing was his reasoning, that we have no doubt they had a preponderating effect in producing a determination in the minds of a majority of the people against extending the time for the suspension of specie payments by the banks.

The second number of "The Times" treated of "*The duties and responsibilities imposed upon the national government by the suspension of specie payments by the state banks.*"

As this article was written some time before the president recommended the independent treasury plan ; as it presents many propositions which are applicable to all times as well as to the eventful period of 1837 ; and more especially as it exhibits the action of the mind of **SILAS WRIGHT** on the great question, whether the financial concerns of a great commercial nation can be safely conducted without the aid of chartered banks, before that question had been discussed in any legislative assembly,

and as it shadowed forth the scheme of an independent treasury, which was ultimately established by law, we shall take the liberty to copy it; in the mean time remarking, that if the reader shall derive as much pleasure from its perusal as we have done, he will not regret the space which it occupies.

"The duties and responsibilities of the federal government in this, as well as in all other respects, must be measured by its delegated powers, and it will therefore be proper for us to look at the extent of those powers before we attempt to prescribe the duties or impress the responsibilities upon our public servants.

"The constitution of the United States is the charter of the powers and privileges conferred upon the government of the United States; it is the only charter of powers, or privileges, which has ever been granted by the people, or the states, to that government. To that instrument, therefore, alone we have to look for the powers after which we seek, to determine the extent of the present discussion.

"In the fifth clause of the eighth section of the first article of the constitution of the United States, among the powers conferred upon the congress of the United States, we find the following—'To coin money, regulate the value thereof, and of foreign coin.' This is every word we find in that instrument conferring upon the congress any power whatsoever over our coin or currency. The power here conferred is full and exclusive *to make the coin and declare its value, and to declare the value of foreign coins*, and here it ends. Nothing is found relative to the regulation of currency, any farther than that currency consists of coins, and not one word as to the regulation or equalization of our exchanges, foreign or domestic.

"We therefore repudiate and reject, from our consideration of this topic, all the modern ideas of our political opponents, and perhaps of some of our political friends, as to the duties of the federal government in the regulation of our currency, and of the exchanges between the states. These are new doctrines which have grown up with the other imagined necessities for a national bank, and, indeed, constitute the essence and root of all the arguments out of which such an institution, under our system, ever has grown, or ever will be produced in future. All the reasoning, heretofore, in favor of a national bank has been drawn, not from the constitution, but from expediency ; not from any grant of power, but from supposed implication to almost every important power conferred upon congress. If all the reasons ever urged be carefully examined, and traced to their proper source and bearing, they will be found to result in the mere position that it is necessary, or expedient, or both, that congress should assume upon itself the regulation of the currency of the states generally, and also the regulation of the exchanges between them.

"All this great field of discussion we exclude from our consideration of the present subject, with the declaration that congress has no power to do these things by the constitution ; that congress has never done them ; that congress cannot do them. The states do not assume any power to coin money, or regulate the value of coin, but they have ever assumed and exercised, and do now assume and exercise, the power to regulate the collection of debts within their limits, to prescribe what shall be received by the creditor in payment from his debtor, as a consideration for the aid of the state laws in the collection of his demand. Even at this very day some of the

states are passing laws declaring that all compulsory process for the collection of debts within their limits shall be stayed in all cases where the creditor refuses to receive in payment from his debtor, at the par value, the irredeemable and inconvertible paper of the state banks. Are laws of this character, passed by the state legislatures, violations of the constitution of the United States, and infringements upon the powers granted to congress by that instrument?—for it must not be forgotten that the constitution itself expressly reserves to the states and the people all powers not expressly delegated to the federal government or prohibited by it to the states. If the answer be that these laws are not violations of the constitution and an infringement upon the powers granted to congress, then how can it be contended that congress can regulate the currency, when, pending the existence and execution of laws of this character in and by the several states, any regulations which congress might establish for a uniform currency could neither be available to the creditor, nor obligatory upon the debtor? In a word, any currency established by congress could not be, within the practical and useful sense of that term, a currency for the citizens of the several states, without the permission, or concurrent action, of the authorities of the states. On the other hand, if the answer be that these laws are violations of the constitution of the United States and an infringement upon the constitutional powers of congress, what can that body substitute for their action? The answer is found in the words of the constitution itself. It can coin money, and regulate the value thereof, and can do nothing further; and the violation must consist in preventing the creditor from availing himself of the currency which the congress can thus constitutionally create.

and regulate, and in relieving the debtor from the payment of his debt in that currency.

"We do not intend, upon the present occasion, nor is it necessary for our purpose, to express any opinion, or enter into any discussion, as to the extent of the powers of the state legislatures over the collection of debts within their respective limits, or how far they may authorize, establish, and regulate, either through the instrumentality of banks, or otherwise, a practical currency within their jurisdictions and for their citizens, provided their regulations for any of these purposes do not violate the prohibitions upon the states to be found in the tenth section of the first article of the constitution. It is sufficient for us that the power of congress over the currency of its own creation and regulation is confined to the collection and disbursement of the public revenues, and that no branch of the federal government has the power to make even coin a currency binding and obligatory upon the citizens of the several states for any other purpose, or to prescribe to them a currency for any other uses.

"If the regulation of the currency within, and between the states be not within the constitutional power of congress, it will scarcely be contended that the regulation of the exchanges between the commercial cities, a mere use of currency, is conferred by the power 'to coin money, regulate the value thereof, and of foreign coin.'

"The power of congress, then, over the currency and domestic exchanges of the country, is confined to the collection and disbursement of the public revenues, and consists in the power to prescribe in what description of currency those revenues shall be received and paid out.

"That the only currency known to the constitution is

a currency of intrinsic value, a metallic currency, a currency of coin according to the value placed upon it by congress, is a fact too plain for contradiction or question. Congress derives no power, from that instrument, to make, to establish, or to regulate the value of any other currency, nor is any thing else recognised therein as *money*.

"From these facts it results, as the most plain and obvious duty of congress, that he who has a demand against the federal government for '*money*' should be paid that demand in *money*, or, if in any other medium of exchange, that that medium, whatever it may be, should be equivalent to '*money*,' equivalent to coin, as the value thereof is regulated by congress.

"The revenues of the federal government are derived directly from the people. They pay for the public lands which are purchased, and they purchase and consume the foreign dutiable goods which are imported. From these sources the national revenues are received into the national treasury, and hence arises another imperious duty of every department of the national government, viz.: the duty of adopting such measures, in reference to the national finances, as can be adopted consistently with the constitutional powers conferred upon them, and are best calculated to furnish to the people a solvent, equable, and stable currency in which to pay these dues and taxes.

"The process, in the transmission of property, from the producer, the manufacturer, the transporter, the merchant, to the consumer, must not be overlooked, when we are discussing great general interests, such as now occupy our attention. Profit in trade is the rule of action and the governing principle of all employments,

trades, and professions ; and the ingredients of price of any commodity, at every step, are the costs and charges to him who offers the commodity for sale. Upon these costs and charges his profits are estimated, and the addition of the whole is the purchaser's limit, within which he cannot buy, but beyond which he must pay, in case any change of market has increased the value of the article in the hands of the holder. Duties to the government, therefore, constitute an ingredient of price in the demand of the retailing merchant for imported dutiable merchandise, and upon those duties as well as upon the original cost of the goods the consumer has to pay the ordinary mercantile profits of the importer, the jobber, and the retailer. If, added to the duties, there is a discount upon currency, that too must constitute a new ingredient of price, upon which the same series of profits must be added, and all must be paid by the consumer. This addition to the intrinsic value of his purchase does not confine itself to a single ingredient of the selling price, but covers the whole, and is to be added, to the extent, upon every and all charges which shall enter into the seller's value. Can there, then, be a stronger, or more palpable duty of the government than that, so far as this influence of its action is concerned, the consumers of foreign imported merchandise, who are the great mass of the people of the country, should be relieved from a most formidable tax, in the shape of an extensive depreciation of the currency first, and of the various mercantile profits upon that ingredient next in the selling prices to consumers ?

" This view of the subject is strictly applicable to the consumers of imported dutiable goods, because they must be paid for in a medium equivalent to specie, and be-

cause the consumer is the final payer of all costs and charges, including the duties to the government, and the losses consequent upon the depreciation of currency, if such loss is sustained by any one.

"The same duty upon the federal government is equally imperative as to that portion of the public revenue derived from the sales of lands, from another consideration. The lands are the property of the whole people. In the cession of them to the United States by the several states, they were pledged to meet 'the general charge' upon the people, and in their sale, therefore, every citizen has an interest in direct proportion to his liability to taxation, direct or indirect, to support the government, and pay the debts and expenses of the nation. The price of the lands is fixed by law at one dollar and twenty-five cents per acre, and every acre sold should relieve the tax-payers of the country from that amount of charge; but if the lands be sold for a currency depreciated at the rate of ten per cent., the people lose one-tenth of their property in the lands so sold, which loss they must make up to the national treasury by direct or indirect taxation. Hence the obligation upon congress to protect the currency, so far as it may be within its constitutional power to do so, is not less, arising from this than the other great branch of the public revenue.

"Another duty, equally imperative upon the government, and much more interesting and important to the people, is that of a paternal guardianship over the rights and interests of the governed; and, as one of the most vital among those rights and interests, the protection and preservation, by all the ways and means in its power, of the integrity, stability, and value of their currency. The duties of the government, of which we have before spo-

ken, are partial and limited, and extend only to particular interests. This is general, and covers every interest of the citizen relating to property, whether public or private, local or general. The two former connect themselves immediately with the interests and action of the federal government, and the appeal, as to them, is therefore more appropriately made under this head. This is universal, and therefore addresses itself to all public servants, however constituted, and under whatever government, state or national, and by whatever authority they may hold and exercise their trusts. We have already, so far as our opinions go, limited the power of the national government over this matter to its necessary and constitutional action in reference to the national finances. We are not now to be understood as expressing an opinion in favor of an extension of that limit, but as urging the duty within the defined boundary. That the power exists to require that the currency of the national treasury shall be according to the value of the currency created and regulated by congress under the express grant of power contained in the constitution, no one, we trust, does or can doubt. It is the constant and continued and unvaried exercise of that power which we ask, and we ask nothing more. As one of the people, we think we have a right to ask, nay, to demand this at the hands of our public servants, and we do demand it. The direct benefits will be to save us from loss in paying our exactions to the government, and in the sales of our lands; and the consequential benefits, in the influence this course on the part of congress will exert upon the legislation of the states, and upon those who now control our currency through the means of the local banks, will be all-sufficient, at an early day, to restore our currency

to what it has so lately been and what it ought to be.

"We know that it has been asked by some, if there should be established for the government a better currency than is allowed to the people? We answer, No! the thing is impossible. The currency of the government is the currency of the people, as the government itself is the government of the people. If the governments, state and national, require a sound currency for themselves, and provide for and secure it by their legislation, that same legislation will provide for and secure a sound currency for the people; the currency provided for, authorized, and sustained by law for the governments will be the currency of the people; but when either or both governments shall legislate for and permit, for their uses, an unsound and depreciated and inconveritible currency, the currency of the people must also be unsound, depreciated, and inconveritible. The only control the people can exercise over the matter is through their respective legislatures, state and national; and if that control be exercised in favor of an unsound currency, the government and the people must have an unsound currency, because it is made unsound, or continued so, by the act of the people, through their servants; while, on the contrary, if that control be exercised in favor of a sound currency, both must and will have a sound currency, because both the governments and the people will it.

"Among the responsibilities of the federal government, that of keeping safely the moneys collected from the people, so that they may be ready, at the calls of the public treasury, without subtraction or depreciation, stands prominent. At periods, when a proper relation exists

between the revenues collected and the wants of the government for expenditures, this responsibility may be discharged without difficulty or danger; but, when overtrading in foreign merchandise, or over-speculation in the public lands, swells the sources of revenue greatly beyond the wants of the government, it becomes one of great difficulty, delicacy, and hazard. The evils which destroy the equilibrium tend necessarily to impair the safety of the ordinary and natural depositories, the banks of the states, and offer temptations to unfaithfulness to individual guardians, should such be selected.

"Another responsibility resting upon the national government is that of guarding and preserving, even beyond the reach of just suspicion at home or abroad, the credit of the United States, as a body politic. This high trust can be but very imperfectly discharged, and cannot be discharged at all to the benefit of the people, for any length of time, with a disordered and depreciated currency sanctioned by its authority.

"Our limits will not permit us to go farther in the enumeration of the duties and responsibilities imposed upon the national government, by the present state of our monetary affairs, inasmuch as it remains for us to consider what can be done to remedy existing evils, and to restore a better condition of things. We shall be best able to make ourselves intelligible to our readers, in this part of the inquiry, by first reviewing, very concisely, what has been done upon all former occasions of trouble and difficulty.

"The constitution of the United States was finally ratified by the states, and took effect as a system of government on the 4th of March, 1789. At that time the country was severely oppressed from heavy debts, both

national and state, an entire derangement of the currency, and a great depression of public credit, all consequent upon the war of the revolution. In 1791 a national bank was resorted to as a means of extrication from all these evils. A charter for a national bank was granted for a term of twenty years, and that institution became the depository of the public moneys and the fiscal agent of the treasury during its existence. The charter expired on the 4th of March, 1811. Twenty years' experience of the benefits and evils of such an institution had been given to the people of the United States, and during the whole time the magnitude of the public debt, the difficulties with the most powerful of the nations of Europe, the want of capital at home to improve the resources of the country, and the almost universal pecuniary embarrassment resting both upon the governments, state and national, and upon the individual citizens, gave the benefits the fullest possible opportunity for favorable appreciation. Still the evils preponderated, in the judgment of the people, and an extension of the charter was refused, and that too when it was most palpable that we were on the eve of a war with Great Britain. From this time until 1816, the secretary of the treasury was the keeper, under the direction of the president, of the national treasure, and the state banks were made by him the fiscal agents of the public treasury. During this period we passed through our second British war, with a triumph to our national valor and national honor of which every American is justly proud. An extensive derangement of our currency and a large addition to our national debt, were among the consequences of this foreign war, and these consequences drew after them a very considerable depression of national credit.

" Again a national bank was pressed, as the only effectual panacea for these evils ; and in 1816 another charter for such an institution, to continue for the term of twenty years, was obtained from congress. This institution also became, at once, the depository of the public moneys and the fiscal agent of the federal treasury. Again the American people were favored with twenty years' experience of the good and evil of a national bank, and again their verdict pronounced the evil immensely to preponderate, and commanded their representatives to put an end to the institution. This second charter expired on the 4th of March, 1836, and since that time the state banks have again been made the depositories of the public treasure and the fiscal agents of the public treasury. A selected number of these institutions first received this high trust from executive order and regulation only, but a subsequent law of congress sanctioned and adopted the system, and prescribed rules and limitations for it. It is important for us to notice but a single provision of this law, and that provision is, that no bank note shall be received in payment of dues to the government, or paid out in discharge of debts due from the government, which is not convertible into gold and silver coin at the will and pleasure of the holder.

" Under this law, with this provision incorporated in it, all the existing deposite banks accepted their high trust to the government and people of the country, and received some forty millions of the public treasure ; and yet, strange to tell, before a single twelvemonth had passed away, they all refuse to pay gold and silver for their notes. Nay, more and farther and worse, they even refuse to pay to the government any thing but their own irredeemable bank notes, those notes which the law above

mentioned prohibits the officers of the government from either receiving or paying out, for the millions intrusted to their safe-keeping. Still farther, the drafts of the treasurer of the United States, drawn upon a deposite bank for a mere trust fund, belonging to individual citizens, which fund was by the government imported from abroad in gold and silver, and in gold and silver placed in that bank for safe-keeping, have been dishonored and returned without payment, because the holder of the drafts would not receive the irredeemable bills of that bank in satisfaction.

"These violations of law and contract by the deposite banks have compelled an extraordinary convocation of congress, that measures may be adopted to relieve the treasury from the embarrassments resting upon it from the provisions of the deposite law, and the failure of the banks to comply with their obligations.

"What ought congress to do? is the great question. Can a national bank be resorted to, even if it could remedy the evils we suffer? Twice such an institution has been tried, and twice have the people pronounced their verdict that it shall not have existence within our confederacy; that its powers to produce expansions and contractions in the currency, and overtradings, speculations, panics, and pressures, are much superior to its powers to regulate, restrain, or sustain our circulating medium; that the political dangers and evils arising from it to the purity and stability of our free institutions, far outweigh any promise of benefits; that the constitution of the United States has not conferred upon congress any power to charter such an institution, and that no such charter shall emanate from the hands of their representatives. The voice in which this last verdict was so dis-

tinctly and clearly pronounced, yet sounds in our ears, and warns us against repeating this doubly-condemned experiment.

"Shall the state banks be further continued as public depositories and fiscal agents of the treasury? Shall millions more be intrusted to these institutions which refuse to respond for what they have received for safe-keeping, except by their own irredeemable and faithless promises to pay? Shall congress recede from the ground it has taken, that the debts of the nation shall be paid in a currency equivalent to specie, and convertible into specie at the will of the holder? Shall it legalize as currency, and establish as the circulating medium of the national treasury, the irredeemable notes of the state banks, and import gold and silver from other countries to be exchanged for such a miserable representative of money? We have, as yet, heard no such claim preferred in favor of these banks, from any quarter, and we will not stop to argue a position which seems to be so plain, as that these banks have forfeited all further confidence from the treasury, and cannot be relied upon as its fiscal agents.

"What, then, can congress do? We answer, try the yet untried expedient. Produce a perfect and entire separation between the finances of the nation and all the banks of issue, or discount, however or by whatever authority existing; between the national treasury and those artificial creations of legislation upon which we have hitherto so unfortunately attempted to depend. We have tried the faith of these soulless existences, in all their forms of being, and that faith has always failed us in the hour of utmost need. Now let us try the faith of natural persons, of moral, accountable agents, of freemen

Let congress trust the safe-keeping of the public treasure with citizens, as such, and not as bank corporators; with men responsible to itself, and not to a moneyed institution. Let collections into the national treasury be collections of *money*, or its equivalent, not of irredeemable paper; and when the government owes a citizen, let him, for that debt, be able to obtain money, or its equivalent, and not inconvertible bank notes.

"We are told, and no doubt truly, that the connection between the public treasury and the banks has aided to produce the excesses we now so deeply deplore. Let not the treasury again contribute its agency to such severe inflictions upon the people. When duties are to be paid to the government, let them be paid in fact, not practically credited by a system of deposite in banks which enables the merchant to withdraw with one hand what he places in the bank with the other. If lands are sold, let the money paid for them be retained by the government to which it belongs, until its wants shall call for its use. Explode the mischievous doctrine, now so generally promulgated, that the merchant, or the speculator, has a right to the use of every dollar of money in the national treasury; and, when overtrading shall unduly increase the revenue from customs or land speculations swell the amounts received for sales of lands, let the accumulations of cash capital in the treasury check these excesses, before their bitter fruits are realized, as now, in the destruction of credit, the derangement and depreciation of the currency, the depression of property, and the prostration of business generally."

In pursuance of the proclamation of the president, congress convened on the 4th of September. The first message of Mr. Van Buren to congress must be in the recol-

lection of every reader. He recommended an entire dissolution of all connection between the government and the banks. There was then an existing law forbidding the collectors of the national revenue to receive any thing in payment but gold and silver coin, or the bills of banks convertible at the will of the holder into specie, at the place where they were offered in payment to the officers of the government. As at that time no banks in the United States paid specie for their notes, no collections could be made. The president, therefore, recommended the issue of treasury notes for the payment of the dues from the government, and which should be receivable for debts due the United States treasury. Mr. Wright, as chairman of the finance committee, on the 14th of September reported to the senate a bill for establishing an independent treasury. As the bill was drawn, the treasurer was not forbidden to receive the bills of specie-paying banks. Mr. Calhoun declared he could not support this bill unless a clause was inserted in it, prohibiting the officers of the government from receiving any thing in payment of the revenue except coin, and moved an amendment to that effect, which was afterwards known as the "specie clause." The amendment was accepted by Mr. Wright. In this form the bill passed the senate, though it encountered a furious opposition from the whigs, and was also opposed by Mr. Tallmadge and Mr. Rives, two of the democratic members. The vote on the final passage of the bill was 26 to 20. In the house of representatives it was laid on the table, so that it failed of becoming a law during that session.

Mr. Wright also reported a bill authorizing the issue of treasury notes to the amount of ten millions of dollars, which, after a vigorous opposition in both houses, (the

whigs preferring a loan to the issue of treasury notes,) was passed into a law.

At the regular session in December, 1837, Mr. Wright again introduced the independent treasury bill. Long and able discussions followed, in which he took a distinguished part. The ground taken by him was, that it was then demonstrated that the state banks could not be relied on as the fiscal agents of the national government, because, among other things, that government had no constitutional power of controlling them, and therefore the true question was, between the establishment of a treasury by the government, or chartering a national bank. He and many of those with whom he acted believed the latter measure unconstitutional; and of course, in their judgment, the passage of the bill he had introduced was the only remedy to which they could have recourse. He insisted there was no middle ground between these measures.

The specie clause in the bill before the senate was stricken out by a strong vote before it passed that body; but notwithstanding this alteration, like its predecessor, it was laid on the table in the house of representatives, where it remained till the session terminated.

The same bill, without the specie clause, was brought forward at the next session, (1838-9,) and again failed of becoming a law. But the elections for members of the twenty-sixth congress resulted in the choice of a majority in favor of the independent treasury, and at the latter part of that session, a law for the establishment of an independent treasury, without the specie clause, passed both houses of congress, and was approved by the president on the *fourth day of July, 1840.*

During the winter of 1838, the subject of slavery was

agitated, and "on the 10th day of Jan. 1838," says Mr. Jenkins, in his biography of Silas Wright, "Mr. Wright voted with *Mr. Clay and others*, in favor of a resolution declaring that any interference on the part of the citizens of other states with the District [of Columbia] endangered the rights of the citizens of such district, violated the implied faith in which the cession was made by Maryland and Virginia, and would disturb and endanger the Union."

We think this resolution was wrong in principle; but whether wrong or right, the fact that Mr. Clay voted for it ought not to affect the merits of Mr. Wright's vote. Probably Mr. Jenkins did not so intend, and we call attention to it for the purpose of remarking, that it affords no justification or excuse, as some persons affect to believe, for a statesman to vote for a wrong measure, by showing that an eminent political opponent voted for the same measure.

Mr. Rives, of Virginia, probably encouraged by the success of this motion, offered a similar resolution in regard to slavery in territories other than the District of Columbia, and which further declared that the people of those territories had the exclusive right to determine themselves on the question of slavery; but Mr. Wright voted *against* this resolution.

On his return from congress in March, 1839, entertainments were tendered to Mr. Wright at Harrisburg, where the Pennsylvania legislature was then in session, and at the city of New York. These public testimonials of respect he declined, and hastened home, anxious to quit the excitements and the bustle of political life for the quiet enjoyment of the society of his family, and his old neighbors and friends. He spent the summer during

the recess of congress at Canton, and although he had declined the honors and festivities offered him at the capital of the great state of Pennsylvania, and by the greatest city on the continent of North America, situated in his own state, yet when his plain and honest neighbors at Canton requested him to deliver an address to them on the Fourth day of July, this great statesman, to whom senators listened with profound respect, did not refuse to comply with the request of his friends and neighbors—the citizens of a country village. At that time, besides his domestic avocations, great and important public measures must have occupied every moment he could devote to serious thinking. His compliance therefore must have subjected him to much inconvenience; but Silas Wright was not the man to disregard the wishes of old friends. We have been so fortunate as to obtain a copy of this address.\* We confess we were agreeably disappointed

\* The following is a copy of Mr. Wright's reply to Judge Jenison, the Hon. J. Leslie Russell, and others, who requested a copy of his address for publication. It shows the extreme reluctance with which he consented to the publication, as well as the delivery of an oration on that occasion.

CANTON, 13th July, 1839.

GENTLEMEN.—Your note of the 10th instant, requesting a copy of the address delivered by me on the 4th, in conformity with your request, for the purpose of publication, was placed in my hands this morning. The reluctance with which I expressed as to a compliance with your request to deliver the address was unfeigned, but was overcome by your presentation of the claims which my fellow-citizens of our county, and especially of our town, could, of right, make upon me in a matter of this sort.

Your present request, being preferred on the same grounds, must meet the same compliance from me; a compliance, I beg you to believe, gentlemen, however, incurred it may impeach my appreciation of my obligations to the best of friends, and the most faithful of constituents, even more reluctantly yielded than was that to your first call.

in reading it ; we thought that the subjects to which he would be confined in addressing a mixed audience, composed of persons of all sects in religion and all parties in polities, would prevent even Silas Wright from producing any thing which would not, in some respects, be tiresome. But though the truisms in the address under consideration are old, they are presented in such a new and agreeable shape that they cannot fail to gratify a reader, notwithstanding his taste may be somewhat fastidious. For ourselves, although we recognised some of the orator's positions as of long standing, we were as delighted on encountering them here, as one is to meet with old friends.

Mr. Wright, after an eloquent allusion to the great events intended to be celebrated by the exercises and festivities of the day, says :

" It is believed to be a common and prevalent error of our people of the present day, to pay too little regard to the civil events of the American Revolution, as distinguished from the military ; to consider that revolution as perfected at the termination of hostilities and the treaty of peace ; to rejoice with a just joy, at the success of our arms in the great and fearful contest, and to consider our present constitutional forms of government, state and national, as having followed of course, and as necessary consequences, from our military success. If this belief be well founded, the error is of evil tendency, and its correction is essential to a proper understanding of

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A copy of the address accompanies this reply, and is submitted to the disposition of the committee.

With the highest respect, your fellow-citizen,

SILAS WRIGHT, Jr.

Hon. MINET JENISON, and others,

Committee of Arrangements, &c.

our national constitution, and of the rights and duties of the citizens under it."

He then proceeds to sketch a lively picture of the civil condition of the old thirteen colonies, at the commencement of the Revolutionary war, and their political position as states at the close of it. He next gives a succinct but clear view of the articles of the old confederation, and briefly points out their fatal defects. He then details rapidly the history of the formation and action of the constitutional convention in 1788-9, and exhibits in bold relief the difficulties which the members of that assembly had to encounter, and the sacrifices that each state was compelled to make to the interests or prejudices of other states or sections of the country. These were called the "compromises" of the constitution. "That our constitution," says Mr. Wright, "might have been more perfect, is quite possible. That it was not *vastly more imperfect*, is matter of just wonder and astonishment, as it ought to be of the most profound thankfulness to every American heart." The great points for discussion in that august assembly, Mr. Wright happily sums up as follows:

"1. The establishment of a national government, competent to manage the affairs of the Union by its own powers.

"2. The division of the powers conferred upon that government into the legislative, executive, and judicial branches.

"3. The mode of constituting the legislative branch, whether in one or two houses, the manner in which the members of each should be elected, or appointed, and their terms of service.

"4. The formation of the executive branch, whether of one or more persons, the source from which it

should derive its election, or appointment, and its official term.

"5. The organization of the judicial branch, its official tenure, its jurisdiction and powers, and the manner of carrying its decisions into effect.

"6. The enumeration and specification of the powers which must be granted by the states, and the people, to a common government, to enable it to accomplish the objects proposed.

"7. The ratio of representation of the people and the states in either or both houses of the legislative branch of that common government, and how far popular, and how far state representation should constitute both, or either.

"8. The basis upon which popular representation should be established throughout all the states, for federal purposes."

After speaking of the sacrifices of political power by the large states to the smaller ones, in giving the latter an equal representation in one branch of the national legislature, which Mr. Wright regards as one of the compromises, he says:

"We, fellow-citizens, are inhabitants of the most populous state in the Union. Do we regret that the compromises are made? That so much of our just relative strength in the national government was surrendered to secure so great an object? Would we now consent to bring the least possible danger upon this glorious system of government by any effort to regain what was thus generously yielded? Would we even consent to agitate the subject to the serious disquiet of the Union, or of our sister states interested? At the time of the adoption of the constitution of the United States, New York was

among the class of the most populous states, but several were more populous. Under the benign influence of that constitution it is that she has reached her present enviable height in population, wealth, and prosperity, and certainly we shall not be the portion of her population who will set the example of placing in jeopardy an invaluable good by the uncertain and ungracious pursuit of an advantage unimportant in the comparison. To propose amendments to the constitution in a constitutional manner, and urge their adoption by the fair exercise of truth and reason, is a right derived from the instrument itself; but beyond that, the compromises through which that charter of our liberties and rights was obtained should be as sacredly regarded as the charter itself."

The slave representation and the slave question Mr. Wright regards as one of the compromises of the constitution, and he protests against any interference whatever with the people of those states. He implores his audience not to tolerate any prejudice against the South in consequence of their exercising their constitutional rights in holding slaves. This admirable address closes with the following elegant and impressive peroration:

"If there be those among us, who, misled by a mistaken sympathy, or by sudden excitement, upon any subject, are forgetting their obligations to the whole country, to the constitution, and the Union, let us use every effort of persuasion and example to awaken them to a sense of their dangerous error. If those, who, for the sake of private interest, personal ambition, or momentary political success, are willing to experiment upon the public passions, to treat lightly their constitutional obligations, to foment sectional jealousies, and raise up geographical

distinctions within the Union, let the absence of our countenance and support convince such, that the personal gratification, or public services of any living man, are not objects of sufficient magnitude to be gained at the expense of the harmony of the country, the peace of the Union, or a single letter in the list of our constitutional duties. If among us there be any, which Heaven forbid, who are prepared, for any earthly object, to dismember our confederacy, and destroy that constitution which binds us together, let the fate of an Arnold be theirs, and let the detestation and scorn of every American be their constant companions, until, like him, they shall abandon a country whose rich blessings they are no longer worthy to enjoy.

“ Towards foreigners, and foreign nations, let our conduct be governed by the strict rule of right. Let our every duty, arising under the laws of nations, or the obligations of treaties, be promptly and punctiliously performed; and then, neither claiming nor attempting to exercise a right to interfere in their internal affairs, or to control their civil and political institutions, let us give them, at all times and under all circumstances, to understand that we neither ask, nor will receive, any such interference from them.

“ Thus demeaning ourselves as citizens of the republic, and of the great commonwealth of nations, if the time must come, when our proud temple of freedom must fall, crushed by external violence, or rent asunder by internal dissensions, let the freemen of New York sustain, erect and unbroken, that pillar of the structure committed to their keeping, that, when every other may be prostrate, and scattered over the face of our fair land, a mass of shapeless ruins, it may stand a monument of

their fidelity to the perfect edifice, and of their unyielding attachment to constitutional liberty."

Mr. Van Buren had been unanimously nominated for re-election at the election in 1840. The canvass was warm and animated, but resulted in the election of Gen. Harrison by a large majority. During the recess of congress previous to the election, Mr. Wright devoted much of his time and great talents in delivering addresses to popular assemblies, in favor of the re-election of Mr. Van Buren. His political zeal on this occasion was rendered more ardent by his pride as a New Yorker, and private and personal friendship for Mr. Van Buren.

We have now arrived at a period when the political history, which was published in 1842, and to which we have frequently referred, closes. In our next chapter we therefore shall resume the political history of the state, and continue it down to the close of Mr. Wright's administration as governor, at the end of the year 1846. Mr. Wright's public life, especially the last four years of it, is so intimately blended with the history of the political parties which existed during that period, that we cannot, as we conceive, write the history of the one without the other.

## CHAPTER X.

Continuation of the Political History of the State of New York—Catalogue of the Senators—Whig and Democratic Caucuses for nomination of Speaker—P. B. Porter, Jr. chosen Speaker—Governor's Message—General Root's Resolution to amend the Constitution of the United States—Virginia Controversy—The Gleutworth Fraud—Removal of Robert H. Morris from the Office of Recorder of New York—Frederick A. Tallmadge appointed his successor—Proceedings on the Bill to Abolish Capital Punishment—Bill for the appointment of County Superintendents of Common Schools—John C. Spencer—His talents and labors—E. S. Randall—Francis Dwight—General Garrison's Inauguration—His Cabinet—His Death—Mr. Tyler's Cabinet—John C. Spencer Secretary of War—Trial and Acquittal of Alexander McLeod—William Kent appointed Circuit Judge of the First Circuit—Death of Bates Cook—Result of the election in November, 1841.

ALTHOUGH the electoral ticket in favor of Gen. Harrison had obtained a majority of 13,202 over the democratic candidates for electors, the majority of Governor Seward over Mr. Bouck, who was the candidate of the adverse party, was only 5,203, and in the popular branch of the legislature the whigs barely obtained a majority,—for there were 66 whigs and 62 democrats elected; thus showing that the whig strength in the state had continued steadily to decline since their great success at the election in the autumn of 1837. Mr. Bouck, however, may have received rather more than a strict party vote, by means of the strong vote for him in his own native country, Schoharie, and his great popularity along the line of the Erie Canal, where he had so long officiated as canal commissioner.

The senate consisted of the following persons:

1st District. —Gulian C. Verplanck, Charles Freeman, Minthorn Tompkins,\* John B. Scott.\*

2d. Henry A. Livingston, Daniel Johnson,\* John Hunter,\* Robert Dennison.\*

3d. Friend Humphrey, Alonzo C. Paige,\* Erastus Root, H. W. Strong.\*

4th. Martin Lee, Bethuel Peck, James G. Hopkins, John W. Taylor.

5th. Avery Skinner,\* Joseph Clark,\* Sumner Ely,\* Henry A. Foster.\*

6th. Laurens Hull, Alvah Hunt, Andrew B. Dickinson, Nehemiah Platt.

7th. John Maynard, Robert C. Nicholas, Mark H. Sibley, Elijah Rhoads.

8th. William A. Moseley, Henry Hawkins, Abraham Dixou, Samuel Works.

The gentlemen whose names are placed last in the catalogue from each district, were chosen at the election in November, 1840. To the name of each democrat we have placed a star, by which it will be seen that the senate this year consisted of 21 whigs and 11 democrats. Of the members chosen at this election, those from the fourth, sixth, seventh, and eighth districts were whigs, and in the remaining four districts the democratic candidates were chosen.

The legislature met on Tuesday the fifth day of January, but on the evening previous a caucus of the whig members of the assembly was held for the purpose of nominating their officers. Every whig member elected was in attendance. After organizing, the meeting proceeded to ballot for speaker; and on canvassing the ballots, it appeared that PETER B. PORTER, Jr., of Niagara

county, nephew of Gen. Peter B. Porter, the late secretary of war, had received 46 votes, and John M. Holly, of Wayne, we presume a son of the late Myron Holly, 19. Mr. Porter was of course declared the nominee. Philander B. Prindle, of Chenango county, the popular clerk of the last house, was unanimously nominated clerk. On the same evening, the democratic members held a meeting for the same purpose which had induced that of the whigs, when LEVI S. CHATFIELD, of Otsego, was nominated for speaker, and William W. Van Zant, of Albany, for the office of clerk. In the caucus, upon balloting, Mr. Chatfield received 45 votes, and Michael Hoffman 11.

Upon the assembly being called to order by Mr. Prindle, on Tuesday morning, Mr. Porter received 65 votes, and Mr. Chatfield 60 : whereupon Mr. Porter was declared speaker, and conducted to the chair, from which he briefly addressed the house, as is usual on such occasions, and in an appropriate manner. Immediately after the organization of the house by the appointment of its officers, the message of the governor was announced and read. It was lengthy, but was, as all had anticipated, able and eloquent. We cannot here give even a skeleton so as to present, as it were, in miniature, this elaborate message, and shall only attempt to exhibit some of its more prominent features.

In relation to the fiscal concerns of the state, the governor stated that the amount of duties on auction sales received for the last year into the treasury, was \$164,621.38, and on salt, \$155,961.16 ; that the amount received for duties on sales at auction was \$60,780.46 less than had been received the preceding year ; and that within the same time there was a falling off in the re-

ceipts for the tax on salt of \$33,301.96; the auction duties, he alleged, were diminished in consequence of the depression of commerce during the last year, and that the income from the salt works was reduced for the reason that less salt had been manufactured. This diminution in the quantity of salt manufactured he attributed to an insufficient supply of salt water. He stated that the whole amount of tolls and for rent of the surplus waters received from all the canals during the preceding year was \$1,608,827.45, that the amount of charges for repairs and other expenses on the canals, was \$586,011.87, and he expressed his gratification that the net income accruing from the canals during the year 1840, had increased \$159,365.55 beyond the amount received during the year 1839.

The governor stated that the sum which had been and would be expended by the first day of March then next, for enlarging the Erie Canal, would amount to \$7,538,832, and that to complete the enlargement would require an additional expenditure, according to the "*corrected*" estimate of the canal commissioners, of \$15,573,954. This great work, he thought, might be completed in the spring of the year 1847.

With respect to the Black River Canal, he informed the legislature that \$1,180,097.66 had been expended on it, and that the whole cost of the work would be \$2,431,699.29.

The whole expense of constructing the Genesee Valley Canal, he said, had been estimated at \$4,900,122.79, of which \$2,500,000 had already been expended.

He alluded, in terms of high commendation, to the efforts which were being made by the various railroad companies to complete their respective enterprises. And he

stated that the whole debt of the state at that time, exclusive of its liabilities for incorporated companies, and its loans to those companies, amounted to \$15,061,746.33.

Experience soon afterwards proved that Gov. Seward placed too much confidence in those chartered companies, especially the New York and Erie Railroad Company, to whom the state had loaned its moneys and its credit: by means of which loans and liabilities, the state debt ultimately proved to be much larger than he anticipated.

The governor rapidly reviewed the condition of our courts of law and equity, and strongly recommended a new organization, and a reform in our system of jurisprudence. He alluded in a very proper manner to the controversy between him and the governor of Virginia, to which he had called the attention of the legislature in his last annual message. He expressed a cordial approbation of the late law abolishing imprisonment for debt: and as imprisonment for debt was still tolerated and enjoined by the laws of the United States, he recommended that this state should deny the United States the use of their prisons to incarcerate unfortunate debtors, unless such debtors have been guilty of fraud.

In view of the short period that the law requires of foreigners to reside in the state before they are entitled to vote at our elections, the governor urges, with great force, the propriety of providing for the education of the children of foreigners. He alludes to the alarming fact which appeared from the late census, that there were in the state of New York 43,871 white persons, over the age of twenty, who could neither read nor write. On this subject the governor says:

“Not much, however, can be accomplished by legisla-

tion, to affect the relation between masses of adult citizens; and the change desired in this respect must be left chiefly to time and the operations of our institutions. But it is not so in regard to the rising generation. The census of the United States is said to show, that there are 43,871 white persons in this state, who have passed the age of twenty years without having learned to read and write. Let us make allowance for any proportion of adult foreigners, and there yet remains a large number of uneducated citizens. The number of children now growing up in the same manner, does not fall short of thirty thousand. These are the offspring, not of prosperity and affluence, but of poverty and misfortune.

"Knowing from the records of our penitentiaries, that of this neglected class those are most fortunate who, from precocity in vice, secure admission into the house of refuge, or the state prison, through the ways of crime; and knowing, too, that almost every application for pardon is urged on the ground of neglected education, I have felt it an imperative duty to appeal to the legislature to render our system of education as comprehensive as the purposes for which it was established. Of 1,058 children in the almshouse of the city of New York, one-sixth part is of American parentage, one-sixth was born abroad, and the remainder are the children of foreigners; and of 250 children in the house of refuge, more than one-half were either born abroad, or of foreign parents. The poverty, misfortunes, accidents, and prejudices to which foreigners are exposed, satisfactorily account, to my mind, for the undue proportion of their children in the neglected class to which the attention of the legislature was called. Although the excellent public schools in the city of New York are open to all, and have long afforded gratuitous

instruction to all who seek it, nevertheless the evil there exists in its greatest magnitude.

"Obviously, therefore, something more is necessary to remove it than has yet been done, unless we assume that society consents to leave it without remedy. These circumstances led me to the reflection, that possibly a portion of those whom other efforts had failed to reach, might be brought within the nurture of the schools, by employing for their instruction teachers who, from their relations towards them, might be expected to secure their confidence. When the census of 1850 shall be taken, I trust it will show, that within the borders of the state of New York there is no child of sufficient years who is unable to read and write. I am sure it will then be acknowledged, that when, ten years before, there were thirty thousand children growing up in ignorance and vice, a suggestion to seek them wherever found, and win them to the ways of knowledge and virtue by persuasion, sympathy, and kindness, was prompted by a sincere desire for the common good. I have no pride of opinion concerning the manner in which the education of those whom I have brought to your notice shall be secured, although I might derive satisfaction from the reflection, that amid abundant misrepresentation of the method suggested, no one has contended that it would be ineffectual nor has any other plan been proposed. I observe, on the contrary, with deep regret, that the evil remains as before; and the question recurs, not merely how or by whom shall instruction be given, but whether it shall be given at all, or be altogether withheld. Others may be content with a system that erects free schools and offers gratuitous instruction. But, I trust I shall be allowed to entertain the opinions, that no system is perfect that does not accom-

plish what it proposes ; that our system is therefore deficient in comprehensiveness, in the exact proportion of the children that it leaves uneducated ; that knowledge, however acquired, is better than ignorance ; and that neither error, accident, nor prejudice, ought to be permitted to deprive the state of the education of her citizens. Cherishing such opinions, I could not enjoy the consciousness of having discharged my duty, if any effort had been omitted which was calculated to bring within the schools all who are destined to exercise the rights of citizenship ; nor shall I feel that the system is perfect, or liberty safe, until that object be accomplished. Not personally concerned about such misapprehensions as have arisen, but desirous to remove every obstacle to the accomplishment of so important an object, I freely declare, that I seek the education of those whom I have brought before you, not to perpetuate any prejudices or distinctions which deprive them of instruction, but in disregard of all such distinctions and prejudices. I solicit their education less from sympathy than because the welfare of the state demands it, and cannot dispense with it. As native citizens, they are born to the right of suffrage. I ask that they may at least be taught to read and write, in asking this, I require no more for them than I have diligently endeavored to secure to the inmates of our penitentiaries, who have forfeited that inestimable franchise by crime, and also to an unfortunate race, which, having been plunged by us into degradation and ignorance, has been excluded from the franchise by an arbitrary property qualification incongruous with all our institutions. I have not recommended, nor do I seek the education of any class in foreign languages, or in particular creeds or faiths ; but fully believing with the author of the Decla-

ration of Independence, that even error may be safely tolerated where reason is left free to combat it; and therefore indulging no apprehensions from the influence of any language or creed among an enlightened people, I desire the education of the entire rising generation in all the elements of knowledge we possess, and in that tongue which is the universal language of our countrymen. To me the most interesting of all our republican institutions, is the common school.

"I seek not to disturb, in any manner, its peaceful and assiduous exercises, and, least of all, with contentions about faiths or forms. I desire the education of all the children in the commonwealth in morality and virtue, leaving matters of conscience where, according to the principles of civil and religious liberty established by our constitution and laws, they rightfully belong."

These patriotic and benevolent views of the governor were undoubtedly presented with reference to a recommendation he had formerly made, that the Catholics in this state should be permitted to have their children educated in the common branches by their own teachers, in such manner as they should deem to be in conformity to their religion; and that schools so conducted should be entitled to their share of the moneys appropriated to common schools. He also recommended the enactment of a registry law.

Gov. Seward next proceeds to combat, with some severity, the financial views put forth by Mr. Flagg, the late comptroller, in his last report from that department; but to give even a summary of the controversy in this place would entirely exceed the limits to which we feel restricted in remarking on the message.

The governor states, that although the United States

contain a population of 17,000,000, less than one-third of the land included within the boundaries of these states is occupied or appropriated. We may remark here, that if in 1840 two-thirds of the lands in the United States were unappropriated, how vast must be the quantity of unappropriated lands since Texas has been annexed, and we have acquired possession of the greater part of Oregon, to say nothing of our conquests in California and Mexico!

The governor concludes by the expression of a very decided opinion, that the avails of the sales of the public lands ought to be distributed among the states; and he cites, in support of that opinion, the authority of Gov. Throop, Gen. Jackson, and President Jefferson.

On the 5th day of January, Gen. Root introduced into the senate resolutions for proposing amendments to the constitution of the United States. The substance of these resolutions were,—

1st. That no person should be eligible to the office of president of the United States for more than one term.

2d. That members of congress should not be appointed to any office under the general government during the term for which they were elected.

3d. That no person should be removed from office without the consent of the senate.

4th. That the secretary of the United States treasury should be appointed by congress, and hold that office during their pleasure.

These resolutions were laid on the table. Afterwards, when they came up for discussion, they were opposed by Mr. Foster, and supported by Gen. Root and Mr. Dickinson. A majority of the senate agreed to the first resolution, but postponed the consideration of the second

until after the 4th day of March then next. We ought to have mentioned, that the substance of these resolutions had passed the senate on the last day of the preceding session, but the assembly, for want of time, could not consider and discuss them, and for that reason the concurrence of that house was not obtained. A different state of things now existed; Gen. Harrison had been elected president, and on the 4th of March might desire to call some of the members of congress into his cabinet. Indeed, it was then well known that such was his determination. Was it civil or wise for his whig friends in New York to pass in advance a vote of censure on the appointments of their favorite leader? How feeble is principle when it comes in competition with expediency or interest!

In the assembly, Mr. Townsend, of New York, on the same day gave notice of his intention to bring in a bill providing for the division of the towns and wards into election districts, and for holding the general election on one day only. This great and important measure was ultimately adopted by the legislature, and has not only added greatly to the convenience of the electors, but has very probably contributed, in no small degree, to aid in the preservation of the purity and fairness of our elections, by rendering it more difficult to perpetrate some of the frauds to which the old system was exposed.

A law had been passed during the preceding session, which required all the voters in the city of New York to be registered, under the directions of commissioners of the several wards, appointed for that purpose, some two or three weeks before the election. Challenges were to be made before those commissioners, and the right of voting was settled and decided by them. Under this ar-

range ment, the elector, on presenting his ballot to the inspectors at the election was entitled to vote, if his name appeared on the catalogue made by the commissioners; but if his name was not found there, he was rejected. It was argued that this system would prevent much fraudulent voting, which the hurry and confusion that generally prevailed on the day of election, rendered it impossible to detect or prevent. This law, which was called "the Registry Law," was opposed with much zeal and ardor by a majority of the democratic party in New York. They contended that it violated the spirit, if not the letter of the constitution; that it made an invidious distinction between the electors of that city and those in all other parts of the state; and that it implied a suspicion of the purity and honesty of the voters of that city which was dishonorable to the inhabitants.

General Root entertained different views on this subject; and as well because he thought the constitutional objections to the law unfounded, and that on general principles the law was necessary and proper, as to obviate the objection against partial and local legislation, to which such a law seemed exposed, made several efforts to extend the provisions of the law to the whole state. Those efforts, however, were unsuccessful.

Early in this session, Mr. Bates Cooke resigned the office of comptroller, in consequence of the state of his health, and John A. Collier, of Broome county, late a member of congress and a lawyer of respectable standing, was appointed his successor.

It was reported that George W. Patterson, whom we have several times mentioned, and shall have occasion to mention again, as a man of distinguished talent, and great energy of character, was a favorite candidate of many

of the whig members of the legislature ; a majority, however, were for Mr. Collier, but how large that majority was we have never been informed.

On the 5th of February, Mr. Haight was re-elected treasurer, and Mr. O. L. Holly was reappointed surveyor-general, of both of whom we have spoken in a preceding volume of this work.

There were two leading party questions which occupied much of the time and attention of this legislature, and greatly excited that of the public. The one was what was denominated "the Virginia controversy," and the other the removal, by the governor and senate, of Robert H. Morris from the office of recorder of the city of New York. Besides these, the great question, whether it was right to abolish capital punishment, was debated. The subjects of internal improvements and the financial concerns of the state, were also considered and debated. These were not strictly party questions, but the discussion which they elicited called forth vigorous efforts, and put in requisition the best talents in the assembly.

The governor, in his annual message in 1840, had informed the legislature that the governor of Virginia had in July preceding made a requisition upon him to deliver three persons, as fugitives from justice, charged with having feloniously stolen a negro slave in that state ; that he had declined to comply with the requisition, upon the ground that the right to demand, and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, according to the law of nations, include only those cases in which the acts constituting the offence charged are recognised as crimes by the *universal laws* of civilized countries ; that the provision in the United States constitution, in relation to the

delivery of fugitives charged with treason, felony, or other *crime*, was a recognisance of this principle of the law of nations in the mutual relations of the states of the Union; that the act charged was not recognised as criminal by the laws of New York, or by the laws of all civilized countries; that there was no law in this state by which one man could hold, or claim another man as property; that therefore the crime of theft could not be predicated upon the act of liberating one man from the control of another; and that consequently the case did not fall within the provisions of the constitution of the United States.\*

Governor Seward, in his message in 1841, after alluding to his communication to the legislature the preceding year, on the subject of the requisition of the governor of Virginia, says:

"The governor of Virginia, by direction of the legislature of that state, subsequently transmitted to me certain resolutions of that body, with a request that I would lay the same before the legislature of this state."

Copies of these resolutions, together with the correspondence between the two governors, and some other documents in relation to the controversy, were communicated by Gov. Seward to the assembly of 1841, together with the message.

The first letter of the governor of Virginia bears date August 30, 1839, in which he states, that "on the 25th of July (ult.) I received an affidavit signed by Miles King, mayor, and a justice of the peace for Norfolk borough in this state, in which it was solemnly and positively averred on oath by John G. Colley, of said borough, that on

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\* See 2 Political History, pp. 520, 521.

or about the 15th of the same month, Peter Johnson, Edward Smith, and Isaac Gansey, attached to the schooner Robert Center, *then* in New York, ‘*did feloniously steal and take from the said Colley a certain negro slave named Isaac, the property of said Colley;*’ and it being alleged that they were fugitives from justice, I thereupon made a demand upon your excellency for the surrender of them to John Caphart, an agent appointed for that purpose, in order that they might be brought back to Virginia to be tried for the offence charged upon them, according to our laws.” He concludes by complaining that the fugitives have not been delivered according to the requisition. To this letter Mr. Seward replied on the 16th of September. In his reply he sets forth a copy of the affidavit on which the requisition was founded, which is in these words:—

“NORFOLK BOROUGH, to wit:

“This day personally appeared before me, M. King, a justice of the peace of the borough aforesaid, state of Virginia, John G. Colley, of said borough, and made oath, that on or about the 15th inst., Peter Johnson, Edward Smith, and Isaac Gansey, now attached to the schooner Robert Center, at present in New York, did *feloniously steal* and take from the said Colley a certain negro slave named Isaac, the property of the said Colley.

“Given under my hand and seal this twenty-second day of July, 1839.

“M. KING, Mayor and J. P.”

Gov. Seward proceeds to state, that after examining the papers annexed to the requisition to authorize him to direct that the persons accused should be delivered to Mr.

Caphart, the agent of Virginia, his first impressions were that the affidavit was defective, inasmuch as it did not state that the persons demanded were *fugitives from Virginia*, or that they were *in* this state. He therefore, being about to leave Albany on a short journey to the West, concluded to postpone deciding the case till his return. But before he returned, he learned that the accused persons had been arrested and committed to jail in New York, and had been discharged by the recorder of that city, and he concluded that Mr. Caphart had abandoned the application. The governor proceeds to say, that even if the affidavit was in form technically correct, he was of opinion that it was in substance defective, for the reasons stated in his message, and which therefore it is unnecessary to repeat.

"It results," says Gov. Seward, "from this view of the subject, that the offence charged in the affidavit, and specified in the requisition, is not a felony nor a 'crime' within the meaning of the constitution; and that waiving all the defects in the affidavit, I cannot surrender the supposed fugitives to be carried to Virginia for trial under the statute of that state."

"So far as my knowledge extends, no state has ever admitted the constitutional obligation to surrender its citizens beyond the limits I have mentioned, although demands have been made in cases similar to the one under consideration. If I entertained doubts of the justness of the views I have expressed, I should be very unwilling to establish a precedent so full of danger to the personal security of the citizens of this state."

Mr. Seward adds, that he had addressed a letter to Robert H. Morris, recorder of New York, with a view of ascertaining the grounds upon which the prisoners were

discharged. The answer of Mr. Morris contains a brief but very lucid statement of the case, and we therefore present it to the reader entire :

*To his Excellency Gov. SEWARD:*

DEAR SIR—In the case of the three colored men, Isaac Gansey, Peter Johnson, and Edward Smith, upon *habeas corpus*, who were discharged by me from imprisonment in July or August last, the facts as they appeared before me were as follows :

The keeper of the prison returned that he detained the prisoners by virtue of a warrant of one of our police magistrates. This warrant charged them with being fugitives from justice from the state of Virginia.

The testimony upon which the warrant was issued was affidavits swearing to the legal conclusion that they were "fugitives from justice." It was also shown, that a requisition from the executive of Virginia had been forwarded to the governor of this state, demanding that the prisoners should be delivered up to the authorities of Virginia.

I then examined, upon oath, two gentlemen from Virginia who were present. One of them was the agent of the owner of the negro who was alleged to have been stolen, and the other assisted in retaking the slave. By reference to the papers before you in this case, you will observe, that one or both of these gentlemen made the affidavits upon which the complaint was made in Virginia, against the three persons claimed to be fugitives.

These gentlemen proved that the slave was a ship-carpenter, employed in Virginia in repairing the schooner on board of which the three prisoners were hands ; that after the schooner sailed, the slave was not to be found ;

that they by express reached the harbor of New York before the schooner arrived ; that they went on board the schooner and made known to the captain their suspicions that the slave was concealed on board. The captain denied all knowledge of the slave's being on board, and assisted in making search for the slave. The slave was found on board concealed amongst the live-oak timber. The three prisoners were the only colored persons on board.

This was all that these gentlemen could testify to of their own knowledge, to show that the three men had stolen the slave. As the question involved much feeling, I permitted the gentlemen to prove what had been told to them by others. One or both of the gentlemen testified that the slave informed them that *one of the prisoners observed to him, (the slave,) that he was foolish to remain in Virginia, as he could get good wages north,* and that this suggestion induced him to run away and secrete himself on board the vessel.

This was all that they pretended could be proved by any one else, that showed any participation on the part of any of the prisoners in the escape of the slave.

I permitted this kind of evidence, not as testimony in the case, but to learn whether there was any testimony in Virginia or elsewhere, that could implicate the prisoners in the charge preferred, and also to learn what reliance could be placed on affidavits swearing to legal conclusions.

I was satisfied that, according to the testimony, neither of the prisoners had committed an offence even against the law of Virginia, and that the testimony was not such as to authorize the detention of the prisoners. I therefore discharged them.

I owe your excellency an apology for not sooner answering your letter. Sickness in my family and constant official occupation have been the causes.

Very respectfully, yours, &c.

(Signed,) *ROBERT H. MORRIS,*

*Recorder of the City of New York.*

That the recorder was clearly right in discharging the prisoners is most evident. The affidavit states no facts or circumstances which implicated the accused, or showed that either directly or indirectly, they resorted to any practices to decoy or even induce the slave to leave the service of his master. The affidavit-maker merely alleges that the accused had feloniously *stolen* a negro slave, which was swearing, as the recorder justly remarks, to a law question. How any reasonable man could have entertained the least expectation that these men could have been convicted in Virginia, is truly astonishing. By the liberal indulgence of the recorder, the agent of Virginia was permitted to prove before him all he pretended he could prove if the prisoners were then on their trial in Virginia. And what was it? Simply that they were on board a schooner in which the slave had ensconced himself "among the live-oak lumber," and that they were colored men!

Mr. Hopkins, the acting governor of Virginia, replied at great length to the letter of Gov. Seward. He commences by saying.—

"I beg you to be assured, sir, that the views contained in your letter have been weighed most attentively, anxiously, and respectfully: and but for their *novelty and dangerous tendency*, I should have felt no wish to continue the correspondence between us farther. But en-

tertaining as I do a fixed opinion that your doctrines are at war with the language and spirit of the federal constitution, inconsistent with the true relations, rights, and duties of the states of the Union, and calculated to disturb the general harmony of the country, I feel it to be my imperious duty promptly to protest against such a precedent, and to vindicate the rights of the state whose executive functions have been temporarily committed to my charge."

He then proceeded, at great length, to argue that the position taken by Mr. Seward was untenable. The principal, and perhaps the only real question between the parties was, whether a person who commits an act in a state where, by the *statute law* of that state, such act is made felony, and escapes into a sister state, by whose laws the same act is not a crime, can, by the constitution of the United States, be required to be given up and sent back on the requisition of the governor of the first-mentioned state. This question was ably and learnedly discussed by the acting governor of Virginia as well as by Gov. Seward. But, as usually happens between controversialists, each failed to convince the other.

Gov. Seward, at the session of 1840, submitted this correspondence to the legislature, and in the assembly it was referred to a committee, of which Mr. Simmons, from Essex county, was chairman. That committee concluded their report by saying, that—

"On a careful examination of that correspondence, your committee cannot discover any occasion for the interposition of this house, even by way of advice. They believe the positions taken by the governor of this state to be sound and judicious, and that his exposition of the meaning of the constitutional provision in question, is the

only one that can be given consistently with the sovereignty of the state and the rights of the citizens, while it is in strict conformity with our federal obligations to other states, and recognises all the rights which are intended to be secured."

In the summer and autumn of 1840, the correspondence was resumed on the part of Virginia, by Thomas W. Gilmer, then governor of that state, and labored and learned arguments were transmitted from one governor to the other. In the mean time the legislature of Virginia, on pretence of retaliation, passed inspection laws calculated to produce inconvenience to coasting-vessels from New York, which might enter the harbors and rivers of Virginia. Besides these measures taken by the legislature, Gov. Gilmer resorted to a singular expedient to coerce a compliance on the part of Gov. Seward with the demand of the former to deliver Peter Johnson and his two associates.

A man by the name of Robert F. Curry, charged with committing the crime of *forgery* in the state of New York, had escaped and fled to the state of Virginia. Gov. Seward, having been furnished with the proper evidence that the crime had been committed by Curry, made and executed a requisition, in the usual form, on the governor of Virginia, to cause him to be delivered to John D. Dix, of Ithaea. Mr. Gilmer refused to comply with the requisition, and by a message to the legislature of Virginia, informed them of his refusal; and he caused to be forwarded to Gov. Seward the following order:

EXECUTIVE DEPARTMENT, March 16<sup>th</sup>, 1840.

A demand from the governor of New York for the surrender of Robert F. Curry, charged with the crime of

forgery under the laws of that state, was this day presented by John D. Dix, the accredited agent of the executive of New York, together with a duly certified copy of an indictment found by the grand-jury of Tompkins county, in the state of New York, against the said Curry; and it being stated that the said Curry has been arrested, and is now in custody, within the jurisdiction of this commonwealth: It is ordered, that the demand for the said Robert F. Curry is in proper form, and will be complied with whenever a similar demand for the surrender of Peter Johnson, Edward Smith, and Isaac Gansey, heretofore charged with felony under the laws of this state, shall be complied with by the governor or authorities of the state of New York.

It is further ordered, to be certified to the governor of New York, *that measures will be taken for the detention of the said Curry for six months from the time of his arrest*, a period sufficient, it is hoped, to enable the authorities of that state to determine whether the constitution and laws under which this demand is made are of as binding force on the state of New York as on the state of Virginia.

By order of the governor,

Wm. H. RICHARDSON,  
*Secretary of the Commonwealth.*

This proceeding can hardly deserve a better name than "*Lynch-law*." The executive order of Virginia, on the face of it, admitted that the requisition of Curry was "in proper form," and assigned as a reason for non-compliance, that Gov. Seward had refused the demand to surrender Peter Johnson and others to the authorities of Virginia. Were my neighbor to burn my barn, and were

I, as an offset, to burn his house, the case would in principle be similar. Besides, the order was a flagrant violation of Curry's constitutional rights. He was to be presumed innocent until, upon a traverse, he was proved guilty. And yet poor Curry was to be kept in prison, without an opportunity of confronting his accusers, during the pleasure of Gov. Gilmer, or until the governor of New York would comply with the mandate of the governor of a sister state. It is due to the legislature of Virginia to add, that when the message of Mr. Gilmer, giving an account of this proceeding, was read in the house of delegates, one of the members (Mr. May) offered a resolution disapproving of the conduct of the New York governor in refusing to surrender Johnson and others, but censuring the refusal of Gov. Gilmer to deliver Curry. The resolution was in these words :

"Resolved, therefore, by the general assembly, That in its opinion, any fugitive, legally charged with crime, and demanded by the governor of New York, according to the constitution and laws of the United States, ought to be surrendered, notwithstanding the refusal of the governor of that state to act in a similar case."

When that part of the message of 1841 which related to the Virginia controversy was considered in the New York assembly, Mr. Lawrence, of Queen's county, moved to refer it, together with the correspondence on the subject, to a select committee.

Mr. Loomis, from Herkimer, opposed the reference, stating, that in his judgment, the state of Virginia had a right to demand the surrender of fugitives who had done any act which by the laws and statutes of that state was made felony, though the same act could not be punished as a crime in this state ; but he was of opinion that the

facts contained in the papers presented by the agent of Virginia to Gov. Seward were not sufficient to warrant putting the accused on trial, and for that cause he thought the governor was right in refusing to surrender them; and Mr. L. offered resolutions for the consideration of the house, in accordance with his view of the case.\*

Mr. Hubbel, of Tompkins, late adjutant-general, who had, during the struggle in 1837, joined the whig party, offered a resolution purporting that the question belonged exclusively to the executive department, and therefore that the house ought in no manner to interfere.

These several propositions were discussed from day to day at great length. The main question was involved in the resolution of Mr. Loomis. The resolution proposed by Gen. Hubbel, however, led to a critical examination of the respective powers and duties of the several

\* The constitution of the United States provides that "*congress shall make no law respecting an establishment of religion,*" &c., but a *state*, whose constitution permits it, *may* make laws to establish any religion it prefers, and inflict such penalties for the violation of those laws as it may deem expedient and proper; in which case the United States government cannot constitutionally interfere to prevent the execution of such laws by the state which enacts them.

The following question is therefore respectfully submitted to Mr. Loomis, and those who think with him. Suppose a state, Virginia for instance, should amend its constitution so as to authorize its legislature to make a law for the establishment of a particular religion; suppose, then, that state should enact that every person who should deny the "*real presence*" at the sacrament, should be burned at the stake; and suppose Mr. L. while travelling through Virginia on business, should deny that he believed in the doctrine of "*the real presence*," and after his return to this state the governor of Virginia should demand him of the governor of this state as a "*fugitive from justice*," ought the governor of New York to surrender him?

departments of the state government, and their constitutional boundaries.

Mr. Wheaton, a talented and eloquent member from Albany, Mr. Hubbel, Mr. Simmons, and Mr. Culver, among others delivered speeches in support of the course pursued by the governor, and against the propriety or right of interference by the legislature. On the other hand, the resolutions of Mr. Loomis were sustained by the mover, by Messrs. Townsend and Jones, of New York, and by Dr. Taylor, late a member of congress from Onondaga, and others. Dr. Taylor concluded an able speech by saying, with his usual modesty and courtesy, "It does appear to me—although I am free to acknowledge I have had difficulty in making up my mind, (for I do not consider this as one of those clear cases in regard to which a man may decide at first blush, and I admit there is a plausibility in some of the views of the governor)—I say it is my deliberate judgment that the governor has erred, (from the best examination I have been able to give to the subject)—erred in his position with regard to the right of Virginia to demand, and the obligation of New York to surrender, a citizen charged with stealing a slave."

We cannot perceive that any final vote on the long and laboriously debated questions which grew out of the Virginia controversy, was taken by the house, and our impression is, that it was suffered to die away without taking any decisive vote upon any material point. In the month of February a motion was made that the consideration of the subject should be indefinitely postponed, which was carried by a vote of fifty to thirty-eight, and this seems to have been the last action upon it during that session.

Previous to the election of presidential electors in No-

vember, 1840, a plan appears to have been contrived to smuggle into the city of New York inhabitants of the city of Philadelphia, who should, on their arrival in New York, be fraudulently introduced to the inspectors of election as legal voters in that city. This plan was discovered previous to its consummation by Col. Jon. D. Stevenson, now in command of a regiment of United States volunteers in California. Mr. Stevenson, who then was acting with the whig party, some time in September, 1840, held a conversation with one J. B. Glentworth, an inspector of tobacco, respecting the probable result of the ensuing election, and the necessary arrangements which ought to be made in order to secure success. Glentworth thereupon suggested to Stevenson that voters ought to be imported from Philadelphia, that at the election of 1838 he had himself obtained the attendance of many inhabitants of Philadelphia who voted in several of the wards of the city, at the expense of thirty dollars for each voter, that he had written evidence of his agency in the business in his possession; and in the same conversation it was proposed that Stevenson should undertake the mission in 1840, which had been so successfully executed in 1838 by Mr. Glentworth. Mr. Stevenson swears that he consented to undertake the enterprise, for the purpose of detecting, exposing, and preventing the fraud. According to his affidavit he went to Philadelphia with a letter of introduction from Glentworth, where he negotiated with the high constable of that city to furnish him with a certain number of men, at a price agreed upon, who should come to New York, and offer themselves as voters at the coming election. Some correspondence in writing was afterwards carried on between Stevenson and his agents in Philadelphia, in which the fraudulent voters

were described as persons who would come to New York for the purpose of being employed to lay iron or lead water-pipes. Hence the democratic newspapers characterized the political partisans engaged in this transaction as "*pipe-layers*."

A few days before the election Stevenson made a full disclosure of the plot to Benjamin F. Butler and we believe John W. Edmonds. They advised that a prosecution should be instituted against Glentworth, and that measures should be taken to gain possession of his papers, which it was alleged, contained the evidence of the fraud. These papers had been deposited with Mr. Pierce, a citizen, and as we believe, a respectable citizen, of New York. Criminal proceedings were instituted before Recorder Morris against Glentworth, who, by the way, was soon after this disclosure removed from his office as inspector of tobacco by Gov. Seward; and Mr. Morris went with an officer, in the night-time, to the house of Mr. Pierce, and demanded of him the Glentworth papers, as they were called, which had been delivered to him, sealed in a package, for safe-keeping. Mr. Pierce hesitated about complying with this demand, whereupon the recorder said to him he would search for the papers, and seize them by force, by virtue of his authority as a magistrate; and under the coercion of this threat, Mr. Pierce gave up the papers. Shortly afterwards a grand-jury was empanelled for the Court of General Sessions in New York, of which the recorder was presiding judge. It was pretty well understood that an attempt would be made to procure the indictment of Mr. Morris, as being guilty of a misdemeanor, in coercing, in the manner above stated, the delivery of the papers by Pierce. The recorder, in his charge to the grand-jury on that occa-

sion, stated the case, as he supposed it would be proved against himself, and went on to deliver a labored argument in justification of his conduct.

On the 29th of December, the governor wrote to Mr. Morris, informing him that he should recommend his removal from the office of recorder on two grounds.

1st. Because he deemed his conduct at the house of Mr. Pierce unjustifiable.

2d. Because, in his judgment, it was improper for the recorder to avail himself of his official station to charge the grand-jury on a question in which he was individually concerned.

On the 8th day of January, the recorder replied, at great length, to the governor's letter. The reply contained a very ingenious argument, and afforded evidence of much legal learning and abuity. The recorder insisted that none but "*unreasonable*" searches were prohibited by the constitution, and that under the circumstances it was perfectly reasonable, had Mr. Pierce not given up the Glentworth papers, to have forcibly seized them. He also maintained that it was his right, as presiding judge, to charge the grand-jury on any question which it was anticipated might come before them.

The governor, on the 12th of January, and before he received Mr. Morris's letter, sent a message to the senate recommending his removal from the office of recorder, for the causes set forth in his letter of the 29th December; and in the same message he nominated Frederick A. Tallmadge, formerly a senator from New York, as the successor of Mr. Morris.

The proceedings on the message, according to the rules of the senate, were in secret session, but were afterwards made public by a special order for that purpose. As this

case, at the time, excited much interest, and is one novel and indeed important in its character, we will give a brief summary of these proceedings, mainly collected from the Albany Argus.

The message, after being read, and an ineffectual attempt made by Mr. Hunter to lay it on the table, was, with the accompanying papers, referred to the senators from the first district.

Mr. Strong then offered the following resolution :

“ Whereas the governor has communicated to the senate a correspondence between him and the recorder of the city of New York, accompanying his recommendation of the removal of the said recorder, and in such recommendation states that he will communicate to the senate any further communication he may receive from the said recorder—Therefore,

“ Resolved, That as the recorder has not had a full opportunity of making his defence before the governor, and none whatever before the senate, the recorder be notified of the causes for his removal set forth in the recommendation of the governor, and have an opportunity of being heard in his defence before the senate.”

On motion of Mr. Peck, the resolution was laid on the table by the following vote :

Ayes—Messrs. Dickinson, Dixon, Hawkins, Hopkins, Hull, Humphrey, Lee, Livingston, Maynard, Moseley, Nicholas, Peck, Platt, Rhoades, Root, Taylor, Verplanck. Works—18.

Noes—Messrs. Denniston, Ely, Foster, Hunt, Paige, Scott, Skinner, Strong—8.

On the 15th of January, the governor transmitted to the senate the letter of the recorder, dated the 8th, together with a message, in which he persisted in the rec-

ommendation of removal, and he also stated that the recorder had sent to him a pamphlet, (containing affidavits taken before the recorder,) which he declined to transmit to the senate, as it contained irrelevant matter, unless the senate should request it.

Mr. Verplanck then moved that "so much of the message of his excellency, the governor, as relates to the causes assigned for the removal of Robert H. Morris from the office of recorder of the city of New York, together with the accompanying documents and papers, be referred to the committee on the judiciary, and that the committee, consisting of the senators attending the senate from the first district, be discharged from the further consideration of the same."

Mr. V. said the question was one of great interest to the state, and one founded on general principles of law. The senators from the first district were not all present; Mr. Furman, his colleague, had gone home, and would be absent several days, leaving only two senators in attendance from that district; and besides, as it was an exciting subject, the senators from that district might perhaps be prejudiced in their opinions.

The motion prevailed.

Mr. Foster then offered the following resolution:

"Resolved. That his excellency the governor be requested to communicate to the senate all depositions, papers, and documents, which Robert H. Morris, Esq., recorder of the city of New York, has furnished him in his defence made to the causes assigned by the governor for removing him from his said office."

Mr. Lee objected, that the pamphlet sent to the governor contained much irrelevant matter.

Mr. Paige—The papers, relied upon by the recorder, are marked with his initials, and are authentic.

Mr. Maynard presumed Mr. Morris sent the pamphlet to save time and the trouble of copying, and suggested an amendment to the resolution, that the governor communicate such papers as are pertinent.

Mr. Scott could not see how the pamphlet could be considered irrelevant: it is upon those papers that the recorder justifies his proceedings.

Mr. Maynard said the pamphlet contained arguments of course, newspaper remarks, and much other irrelevant matter.

Mr. Foster said the governor had done what he thought was his duty: our duty now remains. Mr. Morris deems the papers important to his defence, and the governor differs from him. He (Mr. F.) should never hold to the doctrine that power creates infallibility. He wanted to hear both sides, so as to form his own opinion. The senator from the seventh (Mr. Maynard) objects to newspaper evidence, when the highest authority of the state has based the charge against the recorder upon a newspaper. It may be that a different impression would have been made upon the governor, if he had waited for this communication from the recorder before recommending his removal. After he had taken a wrong start, it was more difficult to convince him. It was due to the recorder that he should have an opportunity of presenting to the senate the defence he had made. This was a proceeding (continued Mr. F.) before a secret tribunal, and its object was to degrade the recorder, and deprive him of his office. He trusted the senate would make no exception, would leave nothing to the discretion of the governor, but would call for all the papers.

Mr. Strong hoped the resolution would pass as originally introduced. In this matter the senate is similar, in some respects, to a court of justice; at all events, it ought to be so far similar as to preserve the forms of justice. In a court, irrelevant testimony may be offered, but it cannot be decided to be irrelevant until it has been offered and understood. The governor may be fully impressed with the belief that the papers are irrelevant; but it does not appear that the senate will be of the same opinion. He hoped all the papers would be received from the governor, and referred to the committee having charge of the subject.

Mr. Lee was not prepared to vote on the question at the present time. It was a matter of great doubt whether there was any thing relevant in the papers. If the question does not depend on the guilt or innocence of the parties before the recorder, the papers are of no consequence.

The resolution was then laid on the table till the next day.

On the 16th, the resolution offered by Mr. Foster was taken up and adopted.

The resolution offered by Mr. Strong was called up, when Mr. Strong said that to deny the recorder a hearing before the senate would be to deny him what was granted to the pettiest offender in every court of justice in the land. If he was removed, it must be because he was incompetent, or because he was corrupt. No one pretends the former, and the charge was therefore one of mal and corrupt conduct in office. He should consider it a gross and high-handed invasion of the rights of the people if the senate should try the recorder on this charge, without giving him an opportunity of being present in

person and by counsel, and of being heard in his defence. The constitution of the United States has guaranteed this right to every citizen, and in a case of this magnitude and importance, the senate should pause before wantonly breaking down the barriers set up by that sacred instrument for the protection of popular rights.

Mr. Root said he did not know, when the resolution was first introduced, but that it was proper; but as he had given it more thought, he had come to the conclusion that this was not a case of criminal prosecution where the accused party had a right of being heard. Mr. R. gave a brief history of the former system of appointment and removal by the governor and council, and argued, that as the new constitution required county clerks and justices of the peace to have notices of charges against them before being removed, it intended to give officers an opportunity of being heard in their defence only in those cases. He said, he knew there was much noise made about the removal of the marine judges in New York last winter, but it was because the people did not understand the constitution. It would be as well, as this is the first instance, to have the mode of proceeding settled. He hoped it would go to the judiciary committee.

Mr. Scott said the senator from the third (Mr. Root) had expressed a wish that the mode of proceeding in these cases might be settled. He (Mr. S.) hoped no rule would be adopted, depriving the citizen of the right of being heard in his defence. Mr. S. alluded to the former high position the senator from the third (Mr. Root) held in the democratic party. It was from him (Mr. S. said) I learned the first lesson of democracy, and it is with pain I now see him attempting to deprive the people of their

dearest rights. Mr. S. spoke of the removal of the marine judges in New York by the governor and senate, last winter. He demonstrated that the judges of that court were still justices of the peace, and that their removal without notice was a palpable violation of the letter of the constitution. He read from the constitution as follows:—"And no justice of the peace shall be removed until he shall have notice of the charges made against him, and an opportunity of being heard in his defence." The senate removed them, (continued Mr. S.) and I now stand here to tell this body that I was elected by an overwhelming majority, as a distinct rebuke from the people upon the proceedings of the senate last winter. Is one rule to be meted out to one officer, and another to another, under this constitution? Mr. S. then reviewed the course of the governor in not giving time to the recorder, &c.

The motion to refer Mr. Strong's resolution to the committee on the judiciary was then adopted.

Mr. Maynard, from a majority of the committee on the judiciary, presented a written report against the resolution to notify the recorder of the charges against him, and to allow him a hearing before the senate.

Mr. Strong arose and said he had, as a member of the judiciary committee, an adverse report in writing, in favor of the resolution.

*The president pro tem.* If there is no objection, it will be received.

*Mr. Strong.* It is a matter of right.

*The president pro tem.* The president, who usually occupies the chair, has always held that receiving a report of a minority is a matter of courtesy, but the question need not now be raised, as the report will be received.

Mr. Strong then presented his report, and both reports were laid on the table.

Mr. Maynard then offered the following resolution :

"Resolved, That the message of the governor, recommending the removal of the recorder of the city of New York, with the defence of the recorder, and the documents accompanying the same, be referred to the attorney-general to report his opinion thereon."

Mr. Maynard said the recorder had made a very long, a very ingenious, and, perhaps, a legal defence, and that it was important that the subject be acted upon soon, as it was necessary on account of the courts in New York, the recorder declining to act, from an apprehension that he was already removed, as in that case his acts would be illegal. Mr. M. also alluded to the injunction of secrecy, and said that what was done here was known, as appeared from the remarks of the recorder on the bench, though he (Mr. M.) disclaimed any imputation.

Mr. Foster opposed the resolution. It had better be referred to the Supreme Court. The attorney-general was admitted *ex gratia* as a counsellor in the Supreme Court to qualify him for his station. What did he know of great constitutional principles? He skinned on the surface: he was, besides, a political partisan of the governor. It would be improper in a case of this kind to take the opinion of the attorney-general: if such an opinion was received, the recorder should be heard by the senate. Mr. F. referred to a communication in the *Courier and Enquirer*, as to what was divulged in the case of Glentworth, and said that what the recorder had said, any one might know.

During these proceedings, several very able speeches were made. Messrs. Foster, Paige, and Strong made

great and zealous efforts in defence of Mr. Morris, while on the other hand Gen. Root, Mr. Verplanck, and that cool and sagacious statesman and learned lawyer, Mr. Maynard, sustained, with equal ability, the recommendation of the governor.

The matter was finally referred to the attorney-general, (Mr. Hall,) who in his report, gave the question a learned and laborious examination, and arrived at the conclusion that Mr. Morris could not be justified in the course he had taken.

The senate, by a party vote, concurred in this opinion, and Mr. Morris was removed from, and Mr. Tallmadge appointed to, the office of recorder of the city of New York.

As a citizen and as a social companion, there are few men in this or any other community that possess more estimable qualities than Frederick A. Tallmadge. No man can associate with him without being delighted and charmed with the liberality of his sentiments, his courtesy, and his social qualities; but his consistency and integrity as a politician has been questioned.\* We may, however, assert with confidence, that no man could acquire and preserve the regard and esteem, and we may say devotion, of so many personal friends as Mr. Tallmadge has done, without possessing many good qualities of head and heart.

With respect to Mr. Morris we feel bound to say, without expressing or intending to express, and we may in sincerity add, without having formed any opinion whether his conduct in relation to the Glentworth papers did or did not require his removal from office, that he

\* 2 Political History.

was and is a man of ardent temperament, zealous in the pursuit of whatever he deems right; a lawyer of considerable legal learning; and, what is rather unusual, although a reputable lawyer, that he is a man of genius. Next to William C. Bryant, in the city of New York, stands Robert H. Morris.

He was removed in February, and in May following was elected mayor of New York by a large majority. This result could not have occurred if all, or any considerable portion of the citizens of that city, had believed that he had wilfully acted wrong as recorder.

That a vile and base fraud was attempted, and had in 1838 been perpetrated by Glentworth and his associates, there cannot now be a doubt. He endeavored to implicate M. H. Grinnell, R. C. Wetmore, E. Curtis, and other highly respectable whig citizens, as concerned with him in this nefarious transaction, and the democratic press of that day of course countenanced the allegations of Glentworth. But Mr. Grinnell and others, on oath, denied any participation in the fraud. On the other hand, the whigs charged on the democrats that for years past they had, in the city of New York in particular, by management and fraud, obtained many illegal votes from foreigners not naturalized, and by other means equally unlawful and unjustifiable. It is probably too true that unprincipled and reckless electioneers of both parties may have smuggled into the ballot-boxes votes which ought not to have been received; but that such men as Moses H. Grinnell, and others named as his associates, on the whig side, or any of the respectable members of the democratic party on the other, have in our most excited elections countenanced or connived at frauds in our elections, we do not believe. The evil, if it has existed, has

been confined to a very limited extent, and it is believed that the plan which has lately been adopted of dividing towns and wards into small election districts, has provided an effectual guard against those frauds which, if permitted, would in a short time disgrace and demolish that system of self-government which every American patriot so highly values, and which has justly rendered us the admiration of the world.

A select committee was appointed, to whom that part of the message of the governor was referred which related to capital punishment. Mr. O'Sullivan of New York, the distinguished editor of the Democratic Review, was chairman of that committee. This was a subject, the importance of which had long been strongly impressed on the benevolent and sensitive mind of Mr. O'Sullivan, and he entered upon the duties of his station with anxious solicitude to procure the passage of a law to abolish the death penalty. After his appointment he opened a correspondence with intelligent men in almost every county in the state, and to his report, which he made to the assembly on the sixteenth day of April, which was decidedly in favor of the abolition of capital punishment, he annexed the communications of sundry eminent individuals who expressed themselves favorable to the measure, and detailed a variety of facts tending to show that capital punishment, instead of diminishing the number of murders, increased them. Mr. O'Sullivan, in his report, endeavored to prove, and, in our opinion, did prove, that the notion that the divine law enjoined capital punishment was not well founded; that the infliction of death prevented the accomplishment of one great object of punishment—the reformation of the offender; that the difference in the crime and guilt of premeditated murder—for

instance, by the waylayer—and the ease of killing from the impulse of sudden excitement, and in various other cases where malice is *implied* by the existing law, was immense, and yet by law the punishment was the same; that the execution of the accused put it out of the power to correct errors (which had frequently happened) of erroneous convictions of the innocent; and that the taking away the lives of men was a relief of the barbarism of the dark ages, at war with Christianity and with the humanity, refinement, and intelligence of the present age of the world.

His conclusion therefore was, that capital punishment ought to be abolished, and imprisonment at hard labor substituted in lieu of it; and that in cases now by law punishable with death, the pardoning power should be taken from the governor.

This report seemed to be well received by the assembly and by the public, but action upon it was from time to time procrastinated, until within two days of the termination of the session. Mr. Simmons, in a set speech, when Mr. O'Sullivan's bill came before the house, opposed it, notwithstanding which, it passed to a third reading by a vote of fifty-seven to fifty-two; but when the question was taken on its final passage, it was lost, fifty-two being against it (the same number of votes which was cast against its engrossment) and only forty-six in its favor. We regret to perceive among the names of the members who voted against the bill, those of Simmons, Hoffman, and Worden. However inconsistent it may seem, and however strange it may appear, the ministers of religion, the special ambassadors of that Being whose mission to this world was to save life, not to destroy it, very zealously opposed the abolition of the

death punishment ; and we have been told by Mr. O'Sullivan himself, that about the time his bill came under consideration, many clergymen were in the lobby of the house, and that he verily believed that their influence prevented the passage of the bill. It will be perceived that fifty-two voted against passing the bill to a third reading, and that there were only fifty-two votes against its final passage, while but forty-six voted for it. The inference seems very plausible, that eleven of the fifty-seven members who voted for the abolition of the death penalty, through some influence which was brought to bear on their minds when the final vote was taken, absented themselves from their places in the house.

Another subject of great importance came before the legislature, and was definitively acted upon during the present session. This was a modification of the common school law, by providing for the appointment of a deputy superintendent of schools in every county. By the law as it then existed, each town was required to elect three school-commissioners and three inspectors. These officers examined teachers, and decided whether they were of sufficient ability and erudition, and whether as respected their morals they were suitable persons to be intrusted with the care of children, and the education of the rising generation.

JOHN C. SPENCER was at that time secretary of state, and therefore state superintendent of common schools. The high character of this gentleman, as one of the most learned lawyers in the state, possessing clear, logical, and nicely discriminating intellectual powers ; his untiring, laborious, and unceasing application ; his unrivalled capacity for mental labor, are known and universally admitted. To the mighty legal mind of his father, the venerable

chief-justice, he has added various and extended literary acquirements, and read and thoroughly digested all the useful productions which have, during the present age, issued from the press, both in Europe and America. We speak of Mr. Spenceer, not as a politician, or as a member of a political party, but of his character as a lawyer, as a literary man, and his energy and labors as a public officer. His active mind pervaded all the departments of the state government. He knew and had an agency in all that was done. The impaired health of Mr. Cooke, and the inclination and ability of Mr. Spencer for active business, drew upon him a considerable share of the labors of that important and overloaded department over which the comptroller presides. Besides all this, Mr. Spencer took a deep interest, and exercised a powerful influence in all the appointments made by the governor and senate. Mr. Croswell, in the war he was then making on the whigs, who then held a majority in all the departments of the state government, as we perceive from examining the files of the Argus, frequently speaks of an individual whom he describes as the "*doer of all work*." We presume he meant by this description to designate Mr. Spencer, without naming him. If so, he characterized Mr. Spencer more truly than party editors generally describe their distinguished political opponents.

Mr. Spencer put in requisition all his energies to improve the common-school system. He perceived that it was greatly defective; that many of the town commissioners and inspectors were incompetent to judge of the fitness and requisite qualifications of teachers; that others were not thorough in the performance of their duty; that some intermediate local officer ought to be created, to whom the town commissioners might report,

who, from a personal view, could decide on the propriety of altering school districts, or creating new ones—who could visit the schools, and admonish, advise, or applaud, in relation to the manner of conducting them—who should constitute a common depot of information in respect to the state of education in each county, and report the same to the state superintendent—and through whom the state superintendent could with certainty communicate his views to every neighborhood in the state.

It is true that the author of this work had, at a state convention of the friends of popular education held at Utica in the year 1837, in a lecture on the school laws, delivered on that occasion, suggested the plan of creating the office of county superintendent, and had soon after published a skeleton of his plan in the "Common School Journal," then printed at Albany, by J. Orville Taylor. But these humble efforts soon ceased to excite public attention. Like a ripple on the ocean, the movement produced by them soon subsided. It required official influence, it required the energy of John C. Spence to rouse to effectual action the public mind on this important subject, on which indeed the preservation of our liberties and civil institutions depend.

Mr. Spence, on his own motion, in the year 1840, appointed in every town in the state, three or four of its most respectable citizens, who were requested personally to visit the schools in their respective towns, and report to the state superintendent their condition, together with such suggestions for their improvement as might occur to them. This duty was performed by the visitors without fee or reward, and full reports made to the superintendent. In these reports there was a remarkable concurrence in the opinion of all, or nearly all the visitors,

who spoke on the subject, that the office of county superintendent ought to be created.

In the early part of the session of 1841, Mr. Spencer made his annual report as superintendent of common schools, to which he appended the reports he had received from the visitors. Mr. S. recommended an amendment of the common-school law, so as to authorize the appointment of deputy superintendents in each county, upon the plan we have intimated, which recommendation he supported with his usual ability.

On the 18th of January, a petition for the improvement indicated by the secretary of state, signed by Mr. Burnet, a highly respectable citizen of Onondaga county, was presented and read in the assembly, which, together with the report of Mr. Spencer, and the reports of the visitors, was referred to the committee on common schools, who soon after reported a bill in accordance with the views of the state superintendent. There was a difference of opinion among the members, whether the county superintendents should be appointed by the governor and senate, the regents of the university, the secretary of state, or the board of supervisors of the respective counties; but the assembly finally gave a preference to the latter mode of appointment. The bill, either on account of its details, or of the principles contained in it, was opposed by Messrs. L. S. Chatfield, Loomis, and Simmons, and supported by Mr. A. G. Chatfield, (of Steuben, brother of Mr. L. S.,) Doct. Taylor, of Onondaga, and Mr. Duer, Mr. Stoddard, and several other members. The bill finally passed the assembly by the strong vote of seventy-seven to twenty-one. It was then sent to the senate, where it received the cordial and zealous support of Gen. Root, and passed that house by

nearly a unanimous vote. The bill soon after became a law.

The legislature also appropriated the sum of \$2,800 to be paid to the printer of the Common School Journal, a periodical paper, which was entirely devoted to the cause of popular education, one copy of which the editor or printer was required to send regularly to the clerk of every school district in the state. This journal, it was expected, would contain, and, as it afterwards appeared, did actually contain, all the modern improvements in the construction of school-houses and the management and government of schools, which time and experience developed in this and the other states of the Union. It was conducted by FRANCIS DWIGHT, Esq., a young gentleman of fine talents, who came from Ontario county, where he had published a paper of a character similar to the one he established in Albany.

We have said, and said truly, that Francis Dwight was a man of fine talents, but having mentioned his name we ought to say more. A purer and more benevolent heart never warmed the human breast than that of Mr. Dwight. To him theological and political contests were nothing ; but the education of the rising generation and the cultivation and the increase of the mental power of the masses were every thing. To advance this darling object of his soul he gave up all other pursuits ; and he died, as he lived, the enthusiastic advocate of popular education, and the devoted friend of humanity.

It is mortifying and painful to state, what the truth of history requires us to record, that it is within our personal knowledge that the trustees of many school districts refuse to take from the post-office this excellent journal, every number of which contains much important

and useful information, the cost of which is paid from the state treasury, because they are unwilling to pay from the common funds of their respective districts the sum of *one shilling* a year for postage! We should despond and sicken at the prospect before us of human progress, did we not cherish the hope that the generation which is to succeed us will be influenced by more enlightened, liberal, and patriotic considerations.

In framing this bill, and procuring its passage, Mr. Spencer was powerfully aided by his deputy-superintendent, S. S. RANDALL, Esq., one of the most worthy and excellent of men, who was himself competent to preside over any educational bureau in the United States. A deep debt of gratitude is due from the people of this state to this talented and zealous friend of popular education, for his services in that great and good cause. He was by profession and in principle a whig, and was brought into the department while the government was administered by the whigs; but Col. Young, notwithstanding, when he became secretary of state, retained him in office. Mr. Young, it is true, is an ardent politician; but this noble act proves that with him the cause of popular education is paramount to all others. It is deeply to be regretted that the state of the health of Mr. Randall has compelled him to abandon the office, and migrate from the state.

We are well aware that the provision in the school laws, for the appointment of county superintendents, not long after it went into operation became unpopular; that the excitement against it among the people continued to increase, until, at the fall session of the legislature in 1847, its repeal became inevitable.

The state treasury pays annually for the support of

common schools nearly \$300,000. That something like the law which provided for the appointment of county superintendents will be found absolutely necessary to secure the prosperity of those schools, and enable them to accomplish, in some degree, the object contemplated by the founders of the common-school fund, and ensure the proper application of the immense amount of money annually paid from the state treasury for the support of popular education, we cannot doubt; that the law establishing county superintendents, at least in *theory*, promised to render our educational system as perfect as it could be, consistent with the genius and the government and constitution of the state; and that this law has received the approbation, and indeed the eulogy, of the enlightened friends of popular education in every state of the Union, no intelligent man will deny. Why then did it become unpopular? Why should the masses, who are so deeply interested in the cause it was instituted to sustain and advance, have condemned it? It would be out of place to attempt at length a discussion of these questions, but we may be permitted briefly to remark, that in our judgment, there was one defect in the law which was the remote cause, principally, of its unpopularity. The amount of compensation allowed to county superintendents was precisely wrong, that is to say, it was either too much or too little. An annual salary of \$1,000 would have called before the board of supervisors candidates for the office, of talents, of highly-cultivated minds, of elevated morals, and great weight of character; and candidates of this description would generally have been appointed. The amount and liberality of the salary would have induced the incumbent to make all possible efforts (and who can doubt but that they would have been

successful?) to render their services acceptable to the community, and to convince the people of the value of those services.

Again, had the salary been restricted, say to \$100, no man would have sought the office for its emolument, and the supervisors would have been left to seek out in each county some benevolent man of easy fortune, who was willing to devote a portion of his time to the public service in aiding to form, improve, and purify the minds of the children and youth of his own county. Now we do not even by implication mean to pronounce an unfavorable judgment of the character or qualifications of the gentlemen who have filled the office of superintendent in the various counties of this state since the year 1841; we know that many of them were competent and worthy men, and we have had the means of knowing, for the author of these remarks was a county superintendent under the law of 1841, for more than six months: nevertheless, it is due to candor and truth to say, that a salary of \$500 would not induce a man of even ordinary standing in the profession of law or medicine, to abandon his profession: and clergymen were constitutionally illegible. Retired gentlemen, whose pecuniary condition rendered them regardless of the amount of compensation, would not enter into an electioneering competition with young men who eagerly sought the office for temporary convenience. The candidates, therefore, generally were either young men who resorted to this employment to enable them to procure the means of prosecuting (in the mean time, perhaps) their professional studies, merchants who had failed in business, and who required a year or two to look around for other employment, or men who had been unsuccessful in their professions, and were un-

able or unwilling to labor for a livelihood. With such candidates, urging conflicting claims to the boards of supervisors, is it wonderful that those boards should have sometimes selected men illy calculated to execute the law of 1841 according to its spirit and intent?

On the 4th of March, President Harrison, in presence of an immense audience, took the oath of office, and delivered his inaugural speech. Addresses on such occasions generally contain little else but a reiteration of general propositions affirming self-evident truths, admitted by every one to be such, and professions of honesty and patriotism. The only remarks which strike us as new in the speech are, that the general avows that he is in favor of confining the duration of the office of president to a single term, and declares that "under no circumstances" will he be a candidate for a re-election. He also protests against the interference of the president with the officers of the treasury, and pledges himself that he will not remove a secretary of the treasury without evidence of palpable mal-conduct, and under the advisement of congress. It was not singular that Gen. Harrison should express his apprehension of danger of a violation of the constitution, and the ultimate overthrow of our civil institutions by means of the increasing and inordinate influence of the president, and the encroachment of the executive on the other departments of the government. All our presidents have, with great apparent concern, expressed similar apprehensions, and warned the people to be on their guard against the unconstitutional exercise of executive power, and the more dangerous influence of executive patronage; and yet we are much mistaken if, from the time of the presidency of Gen. Washington down to that of Col. Polk, every individual who has oc-

cupied that high station, has not steadily and systematically seized every plausible occasion to add to the power and patronage of the executive department of the nation. This naturally, and perhaps necessarily, results from the constitution of man, and from the frame of our government. Gen. Harrison's inaugural speech, however, does, so far as a speech on such occasions can, afford evidence of what in truth he possessed, a kind and patriotic heart, and a liberal mind. A correspondent of the *Journal of Commerce*, who appears to have been a political friend of the general, writing from Washington under date of the 4th of March, rather sarcastically says :

"I have no doubt this speech, as it appears, is the general's own. Mr. Webster or Mr. Ewing, had their taste been consulted, would not have put so much about Greece and Rome in it. It shows, however, his honest, benevolent, and truly republican character."

The new senate, which contained a whig majority, was immediately organized. John Tyler, the vice-president elect, was in due form conducted to the chair as its presiding officer, and delivered a brief address, which met the approbation and received the applause of all who heard it.

Soon after the senate had organized, the president sent in his nominations for cabinet officers. They consisted of the following gentlemen :

Daniel Webster, Secretary of State.

Thomas Ewing, of Ohio, Secretary of the Treasury.

John Bell, of Tennessee, Secretary of War

George E. Badger, of North Carolina, Secretary of the Navy.

John J. Crittenden, Attorney-general.

Francis Granger, Postmaster-general.

These nominations were confirmed by the senate without serious opposition. Mr. Webster received a unanimous vote.

Mr. Wright, whom we have long neglected during this great political revolution, with that philosophical calmness of mind peculiar to him, pursued quietly the even tenor of his way. Courteous to all, he manifested no restlessness, mortification, or irritability. No unkind remark escaped him. Once, indeed, when Mr. Crittenden, of Kentucky, in the course of rather an excited speech, in which he alluded in triumph to the changes in the senate which had left the democratic party in the minority, charged them with sneering at the measures proposed by the majority, instead of showing, by grave and sound arguments, that those measures were wrong, Mr. Wright, in replying to him, admitted, that if such course had been pursued by the minority, it was unjustifiable ; "but," said Mr. W., "while it is wrong for the minority to *sneer*, it does not become the majority to *swagger*." This rebuke, though unquestionably just on that occasion, was better deserved by some other members than Mr. Crittenden, who was generally exceedingly courteous and gentlemanly in debate. After the vote was taken on Mr. Webster's nomination, Mr. Wright advanced to him, and taking him by the hand in a manner the most cordial, complimented his great rival on his appointment as secretary. Little minds are malignant and envious at the success of a rival : great minds are not subject to the control of those debasing passions. Little minds are inflated and insolent when successful over their opponents ; the truly great are neither elated by success nor depressed by defeat.

The pressure upon Gen. Harrison for appointments

was extreme. It came from every part of this great country. Candidates crowded the city of Washington, and the president's house was literally besieged with eager applicants for office. This, under the circumstances of the case, was not remarkable. The federalists, ever since the election of Mr. Jefferson, in 1801, had been generally excluded from office, except during the four years' administration of Mr. J. Q. Adams, when they enjoyed a small portion of the national patronage. Upon the formation of the whig party, in 1828, a large majority of the federalists became members of the new party. All who had supported the election of Mr. Garrison, now made equal claims, without regard to the old distinctions and party lines, on the patronage at the disposal of Gen. Harrison. These numerous applications must have pressed hard upon the kind and generous mind of the president, and occasioned deep and painful anxiety. Many believe that his extreme mental agitation shortened his days. "Uneasy lies the head that wears a crown."

Shortly after his inauguration, the president issued a proclamation calling an extra session on the 31st day of May then next. It bore date on the 17th day of March; but by a decree of an inscrutable Providence, the general was not to live to see that day. In the latter part of March, while engaged, as was his habit, in a long walk, he was overtaken by a rain, accompanied with a severe cold wind, by which he caught a cold, which induced a pleuretic disease, of which he died on the 4th day of April, eight days after the attack. He possessed a hale and vigorous constitution, and was then but a few months over the age of sixty years. His disease therefore, in order to have made so rapid a progress to its fatal termi-

nation, must have been of the most acute kind. Thus, within a single month after he entered the capitol of the nation accompanied with the congratulations of an immense concourse of his fellow-citizens, and commenced performing the duties of his high and exalted office, he was numbered with the dead.

It is well said by a late writer,\* that "the shouts of the multitude, the swelling notes of martial music, the waving plumes, and the gay trappings, gave place to the mournful lamentation, the low tones of the muffled drum, the black pall, and the funeral hearse. The opening of the month was bright and cheering—its close was dark and dreary. It was like a day in the early spring. The sun rose in joy and gladness, in its unclouded majesty and splendor—it set in sorrow and gloom."

The deep and anxious interest which this good man felt in the civil institutions and prosperity of his country, is evinced by the last words he was heard to utter.

Shortly before he expired, his mental powers became confused, and he was partially deranged. In that condition he thought only of his country; and the manner in which the government would be administered by his successor, pressed hard upon his mind. His attending physician, Doct. Worthington, was standing by his bedside. By a species of mental illusion, incident to the state in which he then was, the president evidently imagined him to be Mr. Tyler. "Sir," said he, addressing the doctor, "*I wish you to understand the true principles of the government—I wish them carried out—I ASK NOTHING MORE.*"

All eyes were now anxiously turned upon Mr. Tyler.

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\* Mr. Jenkins.

In what manner he would administer the government, was now a subject of earnest inquiry and intense curiosity. Many, and we confess we were among the number, believed that his political course would be in accordance with the views of Mr. Clay, and in fact that the new administration would in reality be a *Clay administration*. This belief was founded on the fact, that while Mr. Tyler was in the United States senate with Mr. Clay, it was generally understood that Mr. C. was his favorite. It is certain he was his file-leader. At the Harrisburgh convention, held by the whigs in 1840, for nominating a candidate for president, Mr. Tyler was a member, and an ardent supporter of Mr. Clay in preference to Gen. Harrison. After the latter was nominated by a majority of voices, in order to conciliate the friends of Mr. Clay, the majority determined to select one of his most zealous friends as candidate for vice-president, and with that view they fixed upon Mr. Tyler. The opinion we have mentioned was founded on these circumstances. The event proved that we were entirely mistaken.

The extra congress convened in pursuance of the call, on the 31st of May, and after the organization of the house of representatives, by the choice of Mr. White of Kentucky for speaker, the message of Mr. Tyler was read. It contained nothing from which it could be inferred that he would vary from the general principles of the whigs or their policy, except some expressions which seemed to indicate that he was opposed to the incorporation of a bank, vested with the powers and immunities of the late Bank of the United States. He recommended the repeal of the sub-treasury law, and intimated that a *fiscal agency*, as he termed it, might be established as a substitute for a chartered bank. On the whole, his mes-

sage left the public as much in the dark as to his future course, as they were before its delivery.

In the senate, Mr. Clay was made chairman of the finance committee in the place of Mr. Wright. Both houses proceeded with great expedition; and nine days from the commencement of the session, a bill was passed repealing the sub-treasury law, all the democratic members of course voting against it.

A general bankrupt bill was passed, against the vigorous opposition of Mr. Wright. This bill received the approbation of the president, and became a law in the month of August.

Mr. Clay also introduced a bill for the distribution of the avails of the land sales among the several states. This bill lingered long in the senate; the treasury was embarrassed, and it had become necessary either to continue the practice of issuing treasury notes, or to raise by loan several millions of dollars. It was contended that so large a portion of the revenue as was derived from the land sales, could not at that time be spared without great inconvenience. The effect would be to render it necessary to raise the tariff of duties on importations, in order to defray the current expenses of the government, a measure which, it was alleged, the people were by no means prepared to approve. These views were presented by Mr. Wright with so much tact and address, that he succeeded in obtaining several whig votes in support of an amendment offered by him, which provided that no distribution should be made at any time when the average rate of duties should exceed twenty per cent. The amendment was adopted, and in that form the bill passed.

All intelligent men saw that either something like the

sub-treasury scheme must be established, or a bank must be chartered. The whig party, and especially Mr. Clay, was very desirous to pass a law to charter a national bank. With Mr. Clay this was a fondly-cherished and most favored measure. From the outgivings of Mr. Tyler in his first message, and on other occasions, serious apprehensions were entertained that he would veto a bank bill; and the jealousy of the whigs of the fidelity of Mr. Tyler to their party, which commenced soon after the death of Gen. Harrison, was increased by these apprehensions. The bill for chartering a bank was introduced by Mr. Clay, and passed the senate and the house of representatives in the month of August. It is hardly necessary to add that it was opposed by Mr. Wright, and the democratic members of both houses generally. The president retained the bill for several days after it came into his possession, but finally, on the 16th day of August, he sent a message to the senate vetoing the bill. All doubts were then removed: "the long agony," as some of the whig newspapers announced, "was over." The position of Mr. Tyler was now known. He had, in opposition to the unanimous advice of the very able cabinet which had been formed by Gen. Harrison, defeated by his single act a most favorite measure of the party which elected him. But probably, partly for the purpose of placing Mr. Tyler clearly in the wrong, in the view of all his whig friends, a member from Pennsylvania introduced a bill into the house of representatives for the creation of what was denominated a "Fiscal Bank." This bill was divested of some of the features which were contained in the first, and which Mr. Tyler in his veto message had pointed out as objectionable. This last bill passed both houses by a party vote, and was sent to the president, who on the 9th

of September vetoed it. The whig party now openly declared war against him. The cabinet was dissolved : all its members retired, except Mr. Webster, who was induced to remain. Mr. Tyler thereupon nominated Walter Forward, secretary of the treasury ; John M'Lean, secretary of war ; A. P. Upshur, secretary of the navy ; Charles A. Wickliffe, postmaster-general ; and Hugh H. Legare, attorney-general. These nominations were all confirmed by the senate. Judge M'Lean declined the appointment of secretary of war, and thereupon John C. Spencer, of this state, was appointed to that office. Mr. Spenceer, it is said, felt some embarrassment in accepting the appointment, because the whig state committee had lately called a convention, and in the printed call had denounced with severity the conduct of Mr. Tyler. He, however, did accept the proffered appointment. We remark, in passing, that Mr. Spencer carried with him to Washington all that energy of conduct and habit, of persevering and indomitable labor, for which he was distinguished, so that, as far as related to what may strictly be called the *business* concerns of government, he was the life and soul of the administration of which he was a member.

In these revolutions and counter-revolutions at Washington, Mr. Wright took no part. He neither favored the Clay whigs, or Tyler whigs, or Tyler democrats, (and indeed there were very few of the two latter classes,) but he kept on the same unvarying course he had pursued during Mr. Van Buren's administration, and acted and voted on all questions according to his sense of right and sound policy, without any regard to the storms of faction that were howling around him.

At the July term held this year in the city of Utica the

case of Alexander McLeod came on to be heard on a return to a writ of habeas corpus. This case had produced much excitement in the western parts of the state, and in the province of Canada. It had been the subject of considerable correspondence between the governments of the United States and Great Britain, and had excited the attention of the American congress and the British parliament. We shall therefore attempt to give a brief history of it.

In a preceding volume\* we have given some account of the insurrection in Canada, in 1837, and of the persons from the United States who, under the name of patriots, joined the insurgents.

In December, a body of Americans to the number of some two or three hundred, with Rensselaer Van Rensselaer for their leader, took possession of an island in the Niagara river, claimed by the British, situate between Lewiston, in the state of New York, and Chippewa, on the Canada shore. This party were furnished with arms and munitions of war, and employed themselves occasionally by firing cannon-shot into the village and among the inhabitants of Chippewa. They held forcible possession of the island till some time in January following. For the protection of the inhabitants, and in order to repel these attacks, the British government called out a military force, amounting, as was alleged, to 2,500 men, which was stationed at Chippewa, and commanded by Col. Allan McNabb. A steamer called the Caroline, owned by Mr. Wells of Buffalo, it was asserted, had been chartered by the party at Navy Island, to ply between Schlosser, near Lewiston, and the island, for the purpose

\* See 2 Political History, p. 457.

of transporting from the state of New York provisions, ammunition, and men to the island, for the aid and support of the assailants of Chippewa and the insurgents in Canada. It was, however, insisted, by the owner of the Caroline, that she was to be employed to carry freight between Buffalo and Schlosser, and to be used as a ferry-boat only between Schlosser and Navy Island. It is, nevertheless, certain that she did carry some arms and military stores to the occupants of the island, and that in the afternoon of the 29th of December she made two or three trips between the island and Schlosser. On that evening Col. McNabb fitted out an expedition of several small boats, manned with armed men from Chippewa, who were commanded to seize by force the Caroline, wherever she could be found, and bring her into Chippewa, or destroy her. The party proceeded to execute the commands of Col. McNabb, and found the boat fastened to the dock at Schlosser, and there made a hostile attack upon her by swords and fire-arms, and finally got her in their possession, towed her into the stream, and left her to float down the Niagara Falls. This transaction occurred about midnight; and during the affray, one James Durfee, a hand employed to manage the Caroline, was shot through the head by a pistol or musket ball, and found dead on the next morning.

Alexander McLeod resided at or near Chippewa, and was in the habit of visiting Buffalo and Lewiston, and other places on the Niagara frontier. In the early part of January, 1841, he was in the county of Niagara, and there in company with some American citizens, and probably excited by passion or stimulating liquor, declared that he was one of the party who seized the Caroline, and that he himself shot Durfee. After this public declara-

tion, a warrant for his apprehension on a charge of murder was issued, on which he was arrested and committed to the jail at Lockport. M'Leod, finding the matter becoming thus serious, applied by his counsel to be admitted to bail, and the officer to whom the application was made, granted it. The people of Lockport hearing of this decision, and that M'Leod was to be permitted to go at large, became highly excited and indignant. They rushed to the courthouse, and there formed themselves into a meeting for the purpose of protesting against the discharge of M'Leod from imprisonment on any terms. The two citizens who had become his bail became intimidated, and the judge rescinded the order he had made admitting the prisoner to bail. The proceedings are described by a writer from Lockport, who evidently is disposed to represent things as favorable to the inhabitants of the village as could in any way be reconciled to truth, in the following manner :

"LOCKPORT, Jan. 28, 1841.

"GENTLEMEN:—M'Leod was yesterday admitted to bail by one of our judges, before whom his last examination was held, by whom he was committed. Some excitement among our citizens was the consequence. A meeting was held at the courthouse yesterday morning, which was adjourned over until this evening. Two of our citizens had become M'Leod's sureties, after having been indemnified to the amount of the bail, \$5,000. A very large majority of those who composed the meeting to-day, disapproved of the proceeding of admitting to bail, and a disposition was manifested to strongly censure those who had suffered their names to be used for that purpose.

"One of the bondsmen came before the meeting upon an invitation conveyed to him by a committee of the meeting, and made a frank and satisfactory statement of the motives which had actuated him, at the same time expressing his willingness to withdraw from the position he had assumed, after the demonstration he had witnessed of popular feeling upon the subject. It is due to this gentleman to add, that in this step he was evidently not intimidated by any apprehension of personal consequences, but it rather seemed on his part a concession of what he considered due to a public sentiment. M'Leod was yet in custody, the legal process not having yet been served upon the sheriff. The proceeding of admitting to bail, so far as it had gone, was rescinded.

"While the meeting was in session, a process was put in the hands of the sheriff against M'Leod, requiring bail to the amount of \$7,000. It is the commencement of a suit brought by Mr. Wells, the owner of the Caroline, for private damages : so that the amount of bail now required to give him his liberty, would be \$12,000."

As soon as the arrest and imprisonment of M'Leod came to the knowledge of the British government, it declared that it fully recognised the act of the seizure of the Caroline, and was responsible for the consequences which might result from it. On the 12th of March, Mr. Fox, the envoy of Great Britain, residing at Washington, officially communicated this avowal of his government to Mr. Webster, then secretary of state, and formally repeated a demand he had before made on the government of the United States that M'Leod should be immediately released.

Mr. Webster, in his reply, explained to Mr. Fox

that the national government had no legal authority to interfere with the judicial proceedings of an independent state ; but if we rightly recollect, (for we have not Mr. Webster's letter before us,) he admitted that the proper authority, under the circumstances, ought to discharge M'Leod. The secretary stated that the case was under the control of the Supreme Court of the state of New York, and he strongly intimated his expectation that they would take the same view of it which he did. In the mean time M'Leod had been indicted for the murder of Durfee by a grand-jury of the county of Niagara.

In this state, the case came before the Supreme Court at Utica. The cause was argued by A. Bradley and J. A. Spencer, then district-attorney of the United States for the northern district of New York, on the part of M'Leod, and by Mr. Hall, the attorney-general, in behalf of the people.

The court held the case under advisement for some time, but at length Judge Cowen delivered an elaborate opinion, which occupies 47 octavo pages in the first volume of Hill's Reports,\* in which he arrived at the conclusion, that M'Leod ought not to be discharged from imprisonment until he should be tried by a jury of the country.

It is not our intention to attempt to present even the outlines or skeleton of the arguments of the learned judge ; much less do we feel authorized to criticise or condemn it. We must, however, take the liberty of saying, that according to the limited and superficial views we had been able to take of the case, the decision

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\* See 1 Hill, 377.

of Justice Cowen struck us with surprise and astonishment.

We knew that a state of war might exist between two nations, or the people of two nations, without having been declared by either. We had supposed that actual war existed between the Canadian government and the insurgents, and those who aided them: that in suppressing the insurrection and repelling invasion, the British had a right to use military force: that the military officer in command has a right to direct a subordinate or private to perform such acts as in his judgment may be necessary for defence against, or annoyance of, an enemy: that the subordinate and private are bound to obey such order: that if, in the execution of it, the rights of a neutral power are violated, such neutral power may resist, and prevent by force such violation, or it may demand indemnity and satisfaction of the nation whose officer has violated its neutral rights. That the rule of law that would subject M'Leod to trial and execution, would lead to this most palpable absurdity:—if M'Leod had refused to obey the orders of McNabb, recognised as they were by the highest authority in Canada and in England, he would have been liable to be tried by a court-martial in Canada, and shot. If he obeyed, he was liable, five years afterwards, to be seized in the state of New York, tried by a jury, and hung. Is there, can there be any escape from this absurdity?

It is said the other justices, Nelson and Bronson, *yielded reluctantly to, instead of really concurring in,* the opinion of Judge Cowen.

Justice Cowen was not only a learned and able, but a strictly honest judge. How, then, could he arrive at so

strange a conclusion? The judge was an acquaintance and friend of Mr. Papineau, late speaker of the assembly in Lower Canada, and who, though a very worthy man, was a leader of the malecontents, and finally, with his son, fled from Canada to the United States. The generous heart of Justice Cowen sympathized with the exile; and the son, who though an alien, was, by special act of the legislature, admitted an attorney of the Supreme Court, was a peculiar favorite of Judge C. May not these circumstances have impressed on the pure and honest mind of Justice Cowen, of course without being himself aware of it, a feeling calculated to create a bias, which would render his mental action less free and clear on any question relating to the Canadian insurrection, than on most others?

The opinion of Judge Cowen was reviewed by Judge Tallmadge, of the Superior Court of New York, with great learning and ability. To the correctness of the reasoning and conclusions of Mr. Tallmadge, several of the most distinguished lawyers and jurists in the United States bore full and ample testimony in their letters addressed to him on the subject, which have since been published with a second edition of the review.\* Chancellor Kent, in a note to the author, says:

“It [the review] is very ably executed. It is clear, precise, neat, logical, accurate, and *entirely conclusive on every point*. I should have been proud if I had been the author of it.”

Chief-justice Spencer, in a letter of some length to Judge Tallmadge, expresses his most decided approbation of the doctrines advocated in the review. Robert

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\* See 26 Wendell, 663.

Minot Sherman, of the Supreme Court of Connecticut; John Bannister Gibson, chief-justice of the Supreme Court of Pennsylvania, and M. C. Rogers, judge of the same court; Simon Greenleaf, LL.D., the learned professor of law in Harvard University; Daniel Webster, John Duer, an eminent counsellor of New York, Theron Metcalf, law reporter in Massachusetts, and Messrs. Berrian, Huntington, Clayton, Crittenden, and Choate, members of the senate of the United States, all by written communications declared entire concurrence in the views expressed by Judge Tallmadge.

The review of Judge Tallmadge was itself reviewed by Mr. Hill, the reporter of the opinions of the New York Supreme Court, in doing which he defended the opinion of Judge Cowen, of course, with much skill, learning, and ability.\*

On account of the preconceived opinions on the merits of the case of M'Leod, which it was supposed had been formed in the county of Niagara, his trial, by a special order, was directed to be held in the county of Oneida. It came on before Judge Gridley of the fifth district. We have reason to know that that able lawyer and excellent judge did not, in his individual opinion, concur with Judge Cowen; but nevertheless, he conducted the trial, as he should have done, on the principle that the decision of the Supreme Court, as delivered by Judge Cowen, was the law of the land, leaving to the accused, in case of his conviction by the jury, to pursue his defence by an appeal to the Supreme Court of the United States. The trial continued several days, and was of course ably conducted, the attorney-

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\* See Appendix to 3 Hill, 635.

general, Hall, being counsel for the people, and Joshua A. Spencer for the prisoner. After a long and tedious examination of witnesses, it turned out that McLeod had nothing to do with the killing of Durfee.\* It appeared that he had foolishly boasted of doing an act in which he was not at all concerned; he was proved to be a swaggerer, but not a homicide; and the jury, after a very brief deliberation, brought in a verdict of not guilty. Thus ended an affair which at one time threatened to produce a war, with all its attendant calamities, between two great and friendly nations.

In the month of August, William Kent, the only son of Chancellor Kent, an able and accomplished lawyer, was appointed circuit judge of the first circuit, that office having become vacant by the disability of Judge Edwards, who, on account of his age, could no longer constitutionally discharge its functions. This was one of the best appointments made by Gov. Seward. Constant in his application to business, affable and kind in his deportment, candid and impartial in his decisions, and deeply learned in the law, Mr. Kent deservedly obtained the respect and confidence and the love and regard of the members of the bar, and the public in general. It is much to be regretted that ill health required him so soon to retire from the New York judiciary, of which he was one of its brightest ornaments.

Mr. Bates Cooke, who, upon resigning the office of comptroller, was appointed bank commissioner, died this year. He was one of the leading and most effi-

\* McLeod, in his affidavit, on which he applied to be discharged on the writ of habeas corpus, swore that he was not even with the party sent out by McNabb to destroy the Caroline.

cient antimasons of the West, during the prevalence of the excitement against masonry, and was elected, we believe, more than once, a member of congress by anti-masonic votes. We had no personal acquaintance with Mr. Cooke, but have every reason to believe he was a sound-minded and estimable man.

The election in November resulted in the complete and unexpected triumph of the democratic party. We say unexpected, because, although calculating men on both sides anticipated the election of a democratic majority of the members of the assembly, the senate being a permanent body, and the whig majority in that house in 1841 being quite large, few men before the election entertained the opinion that there would be a change of political power in that branch of the legislature so early as the year 1842.

This great change may have been produced from some or all of the following causes:—A considerable number of the more reflecting portion of the community viewed with apprehension and alarm the rapid accumulation of the state debt, occasioned by the expenditure of four millions of dollars a year in enlarging the Erie and in constructing the Genesee Valley and Black River canals. It was true this expenditure had been authorized in 1838, as well by a democratic senate as a whig assembly; yet it was well known that Col. Young in the senate, and Mr. Flagg and other leading democrats, not members of the legislature, were warmly opposed to those measures; and previous to the election of 1841, the democratic newspapers with great unanimity denounced the policy of increasing the public debt, and loudly demanded a retrenchment of expenditures.

Although Gov. Seward was popular among the mass of his party, there was a considerable number of whigs, possessing much influence in consequence of their wealth and standing in society, who thought the governor too radical in some of his political notions ; and the under-current these individuals put in motion personally against Mr. Seward, interrupted and checked the vigorous action of the whig party, even in the choice of members of the legislature.

The defection, or, as it was called, treachery of Mr. Tyler, wrested from the whig party in the state of New York the control of the national patronage. They had gained the battle, but the fruits of the conquest were snatched from them in the moment of victory. This prostration of their hopes and expectations discouraged and disheartened many whigs, who lately had been active and zealous, and paralyzed their efforts, while the same events induced their opponents to act with renewed vigor and energy.

## CHAPTER XI.

Levi S. Chatfield chosen Speaker of the Assembly—Unusual number of men of talents this year elected Members of that House—Isaac R. Elwood chosen Clerk of the Senate—Gov. Seward's Message—Comptroller's Report—Dispute between the Governor and Senate on the Bill for the Repeal of the Law in relation to the Receivers of Insolvent Banks—Caucus for nominating State Officers—A. C. Flagg, Comptroller, S. Young, Secretary of State, George P. Barker, Attorney-general, Thomas Farrington, Treasurer, Nathaniel Jones, Surveyor-general—Canal Commissioners—Debates in the Senate and Assembly on the Finances—Mr. Hoffman's Speech—Mr. Flagg's Report—Mr. Hoffman's Financial Bill of 1842—It passes the Assembly—Proceedings in the Senate thereon—Mr. Dickinson's Substitute, and Messrs. Foster's and Faulkner's Amendments—The People's Resolutions—Indications of Dissensions in the Democratic and Whig Parties—Virginia Controversy again discussed—Bill for removing the State Printer—Vetoed by the Governor—Proceedings in Congress—Mr. Wright's Speech on the Loan Bill—His Speech on the Bill for dividing the States into single Congressional Districts—New Tariff Bill—Mr. Wright's Speech on this Bill—Democratic State Convention—William C. Bouck nominated for Governor—He is elected—D. S. Dickinson elected Lieutenant-governor.

THERE was an unusual number of men of talents elected to the assembly at the annual election in 1841. From the city of New York, O'Sullivan and Townsend, and Messrs. McClay, Grout, Jones, Murray, &c., added much to the strength of the representation from that city. Horatio Seymour, from Utica; John A. Dix, late secretary of state, now United States senator, from Albany; Lemuel Stetson, from Clinton county; that learned and able lawyer, George A. Simmons, from Essex; John W. Tamlin, from Jefferson; John A. Lott, from Kings;

Levi S. Chatfield, from Otsego; George R. Davis, from Rensselaer; the benevolent friend of popular education and of man, Calvin T. Hulbert, from St. Lawrence; the active and energetic Halsey Rogers and John Cramer, from Saratoga; Ziba A. Leland, from Steuben; Charles Humphrey, former speaker, and now clerk of the Supreme Court, from Tompkins; and Michael Hoffman and Arphaxad Loomis, from the county of Herkimer, were all men of distinguished ability.

As usual, a separate caucus was held by the two houses the evening preceding the meeting of the legislature, which was on Monday, the 3d of January. The democratic senators nominated Isaac R. Elwood, of Rochester, clerk, in place of Samuel G. Andrews, then the incumbent. We believe Mr. Andrews had discharged his duties faithfully, and to the satisfaction of the senate and the public. The objections to him were purely political. The appointment of Mr. Elwood, however, was well received. He is a man of highly cultivated mind, and extensive and varied literary attainments.

At the assembly caucus, Levi S. Chatfield on the first ballot received eighty votes, and was declared nominated. There was some difficulty in selecting a candidate for clerk, but after two or three ballotings, John O. Cole of Albany, formerly an energetic police justice of that city, was declared duly nominated. The election of these gentlemen was of course made the next day.

The election of Mr. Chatfield, notwithstanding there were other democratic members of great talent and merit, then belonging to the assembly, was in our judgment an act of appropriate political justice. That he possessed talents of a high order was admitted by all;

but what gave him peculiar claims was, he had come into the assembly two or three years before, when the democratic party was in a small minority; had stood in the front ranks of the opposition to the whig majority; had defended with zeal and ability the views of his political friends, and had been several times their candidate for speaker when it was known he could not be elected. These circumstances had frequently subjected him to severe attacks from his political opponents. Mr. Hoffman was probably the strongest man among the democratic members; but Mr. H. was contending for *things* rather than *names*—for moral rather than official power. He himself was in favor of Mr. Chatfield.

Though Gov. Seward always writes and speaks with ability, his message on this occasion was, in our opinion, both in style and spirit, superior to his former communications. He probably felt that he was addressing a body of men a majority of whom were in principle opposed to some of his favorite doctrines, and whose opposition to his policy was sharpened by coming fresh from the field of a fierce contest at the polls of the election.

After the usual introductory congratulations and remarks on matters of minor importance, the governor alludes to the Virginia controversy in the following decorous and conciliatory manner:

"I lay before you a law of Virginia calculated to embarrass our commerce. The effect of the act is postponed until May next, and the governor is authorized further to suspend it whenever the executive authority of this state shall surrender three persons heretofore demanded by the lieutenant-governor of that commonwealth as fugitives from justice, and the legislature shall repeal the law extending the trial by jury. I have re-

spectfully informed the authorities of Virginia, that my convictions of the illegality of that requisition are unchanged; and that although New York, from motives of self-respect and devotion to the Union, will not retaliate, nor even remonstrate, yet she cannot consent to remain a respondent, since Virginia has seen fit to transcend the sphere assigned her by the federal constitution, and to pass an aggressive law; but that this state will cheerfully return to a discussion of the subject, with a sincere desire to arrive at a conclusion mutually satisfactory and conducive to the general harmony, whenever the effect of that unfortunate statute shall be removed by the action of our sister state, or by an overruling decision of the Supreme Court of the United States. The legislature will decide whether the trial by jury shall be relinquished; and whether a state, which acknowledges no natural inequality of men, and no political inequality which may not ultimately be removed, shall wrest that precious shield from those only whose freedom is assailed, not for any wrong-doing of their own, but because the greatest of all crimes was committed against their ancestors. Taught as we have been by the founders of the constitution, and most emphatically by the statesmen of Virginia, we cannot renounce the principle, that all men are born free and equal, nor any of its legitimate consequences. But we can, nevertheless, give to Virginia, and to the whole American family, pledges of peace, affection, and fidelity to the Union, by relying upon legal redress alone, and by waiting the returning magnanimity of a state whose early and self-sacrificing vindication of the rights of man has entitled her to enduring veneration and gratitude."

On the subject of capital punishment the governor says:

"Every philanthropic mind will cling to the hope, that ultimately the supremacy of the laws may be maintained, without exacting, in any case, a forfeiture of life. Nevertheless, the subject requires most cautious deliberation. The substitution of imprisonment for life would be signally unsuccessful, without such a modification of the pardoning power as might prevent its being employed except in cases where it would seem necessary to correct error."

The message alludes to the case of M'Leod in a manner that appears to us rather as evincive of an inclination to evade the expression of an opinion upon the great question of national law involved in that case, and to speak in a way least calculated to disturb popular prejudices against encroachment upon the sovereignty of the state.

In speaking upon the school and literature fund, the governor says:

"The literature fund, devoted to the improvement of the higher branches of learning in colleges and academies, has a capital of \$268,990, and, including what is received from the United States depositories, an income of \$47,165. The value of the endowments of our colleges and academies is \$2,175,731. The productive capital of the common school fund is \$2,036,625, and its whole income is \$261,073. If we should include lands valued at \$200,000, and so much of the United States depository moneys as yield revenue to this fund, its value would be \$5,819,959. There are 10,886 school district libraries, containing 630,000 volumes. The whole capital permanently invested for the support of education, including the two funds, the endowments of colleges, and the value of school edifices, is \$10,500,000."

He adds, with peculiar propriety, that "there is a happy contrast between this munificent foundation and a resolution of the colonial assembly, not long before the revolution, declaring that a report that they intended to levy by tax £500, to be expended in the promotion of learning, was groundless, false, and malicious."

Mr. Sewall renews his recommendation in favor of the distribution of the common-school moneys in the city of New York in such a manner as to allow foreigners and Catholics to participate in the bounty of the state, without a violation of what they deem to be their religious duties to their children. On that subject he says:

"This proposition, to gather the young from the streets and houses into the nurseries which the state solicits for her security against ignorance, has prepared for them. It sometimes creeps as a device to appropriate the school fund to the endowment of seminaries for training young men of all faiths, thus to perpetuate the falsehoods it seems to remove; sometimes as a scheme for dividing that precious fund among a hundred parishes, and thus increasing the religious infidelities it creates; and lastly, sometimes as a plan to subvert the prevailing religion and turn those one repugnant to the consciences of our fellow citizens; while, in truth, it sharpens eyes by enlightening equally the minds of all to enable them to detect error wherever it may exist, and to guide the aged masses into the intelligent, virtuous, harmonious, and happy people. Being relieved from all such misconceptions, it presents the question, whether it is wiser and more expedient to educate the offspring of the nation, to enable them to grow up in ignorance, or to make them educated, which is... readily done at any time, and always at the exp-

common schools; whether parents have a right to be heard concerning the instruction and instructors of their children, and tax-payers, in relation to the expenditure of public funds; whether, in a republican government, it is necessary to interpose an independent corporation between the people and the schoolmaster, and whether it is wise and just to disfranchise an entire community of all control over public education, rather than suffer a part to be represented in proportion to its numbers and contributions. Since such considerations are now involved, what has hitherto been discussed as a question of benevolence and universal education, has become one of equal civil rights, religious tolerance, and liberty of conscience. We could bear with us, in our retirement from public service, no recollection more worthy of being cherished through life, than that of having met such a question in the generous and confiding spirit of our institutions, and decided it upon the immutable principles on which they are based."

The governor informs the legislature that the amount received for canal tolls during the preceding year, from all the canals, was \$2,034,878, which was very near double the amount received from the same source in the year 1831.\* The net revenue from the canals, after deducting all expenditures during the last fiscal year, was \$1,551,098.

With respect to the public debt, the governor says:

"The permanent public debt, at the close of the last fiscal year, exclusively of temporary loans, contingent liabilities, and the balance of the Erie and Champlain

\* The tolls received in 1831 amounted to no more than \$1,223,801.

Canal debt, for the payment of which equivalent funds are set apart, is \$15,540,530; to which must be added temporary loans, amounting to \$1,855,000, making the aggregate debt \$17,395,530; and the interest annually payable thereon, including also interest on the stocks loaned to the railroad companies who are in default, is \$919,704. The debt consists of stocks chiefly redeemable in 1845, 1850, 1855, and 1860. The amount of stocks issued to the Delaware and Hudson Canal Company, and railroad companies, is \$5,035,700. You will, of course, give immediate attention to proper measures for reimbursing temporary loans."

Gov. Seward urges the continuation of the enlargement of the Erie Canal, and the completion of the construction of the Genesee Valley and Black River canals. He says:

"If, therefore, we would preserve the inestimable benefits of inland navigation which we now enjoy, if we would save the treasury from embarrassment, if we desire the accomplishment of the other public works, if we would in any degree extend our interior communications, if we would maintain the public faith, prevent general distress, retain our commercial precedence and political influence, and guard against the dismemberment of our territory, it is necessary to complete the enlargement of the Erie Canal throughout, and with all convenient diligence."

With respect to the Genesee Valley and Black River canals, he says:

"The Genesee Valley Canal was undertaken in 1836. Its cost, then estimated at near two millions, was subsequently raised to about five millions. The Black River Canal was commenced at the same time, upon an

estimate of about one million, but which afterwards advanced to two millions. Loans for these improvements, amounting to \$2,800,000, were authorized previously to 1839, and like loans for \$1,600,000, since that time. Although it might be conceded that these enterprises would have been delayed, if their real cost had been correctly understood, or the subsequent embarrassment of the country foreseen; yet, when the condition of the works, their destined connection with navigable waters, penetrating remote recesses of the country, and their ultimate usefulness are considered, together with the injurious consequences which would result from abandoning such undertakings, I am sure that nothing but an inflexible necessity, not yet apparent, will induce your consent to a measure so widely injurious."

We cannot suppress the remark, that those engineers who estimated the expense of constructing the Black River Canal at one million of dollars, and that of the Genesee Valley at two millions, (upon the faith of which the legislature directed their construction)—when, after large expenditures had been incurred, it was ascertained that the expense of making the Black River Canal would be double the estimate, and that the Genesee Valley Canal would cost *five* millions instead of two—must have been either grossly incompetent or corrupt; and in either case they ought promptly to have been discharged from the public service.

The governor speaks in terms of approbation of the New York and Erie Railroad, and thinks it may be completed in the year 1843. He recommends the construction of a railroad from the St. Lawrence river to Lake Champlain, and a central railway from the neighborhood of Albany to New York; and although he con-

siders the question doubtful, he seems rather to incline to the opinion that these great channels of overland *navigation*, if we may so speak, should be constructed and owned by the state. He says:

"The estimated cost of all the public works in progress, including two-thirds of the expense of the New York and Erie Railroad, such being the proportion in which the state has contributed to that enterprise, is \$36,598,379, of which sum it yet remains for the legislature to provide \$17,265,130. Large as this sum is, there is no reason to suppose that it surpasses our fiscal ability. It is true that the state owes a debt, including temporary loans, of seventeen millions; but it is not in any form a dead weight, like public debts contracted in war, or for improvident expenditures. It has been created in constructing a system of works, which not only is to yield a return when finished, but which is so productive in every stage, that its profits furnish all the means necessary for its completion, without exacting a dollar from land, labor, or any other resource; a system which leaves nothing to speculation concerning its adequacy to pay the interest on its cost, because it pays interest in advance, nor concerning the reimbursement of the cost itself, because the surplus profits over the annual interest are adequate to procure the further sum required, and would at any time, when so applied, ensure a rapid extinguishment of the principal. The debt is large because the enterprise is great."

After alluding to the immense resources of the state, and stating that its taxable property amounted to \$700,000,000, the governor says:

"But notwithstanding these resources, the prosecution of the public works is embarrassed. It is, however, the

fortune of enterprise; it is essential to enterprise—it is enterprise itself, to encounter embarrassments; and there is no merit in success which is obtained without effort and involves no sacrifice. The present emergency will nevertheless be found to exact no extraordinary energy or patriotism.

" Since the works were undertaken, the rate of interest demanded upon loans to the state has advanced from five to about seven per cent. Prudence, under such circumstances, counsels moderation; yet the value of money has not increased as much as the prices of labor and subsistence have fallen, and it would certainly be the worst of all economy to discontinue enterprises so important for a reason so inadequate, or to sacrifice in delays and damages more than the additional cost resulting from the enhanced rate of interest. While we ought, therefore, to pursue the undertakings cautiously, and even at some apparent although unreal sacrifice, we are, nevertheless, required to put forth every effort to restore our public stocks to their former value. Such efforts, however, would prove unavailing, if the causes of the evil were misunderstood. We are in competition with other states and countries in borrowing money. The securities of other nations are not depreciated, while those of our sister states, whether they owe less or more, are reduced, none less than our own, and some thirty, forty, fifty, sixty, and seventy, even eighty per cent. The federal government, which has once paid absolutely a debt of \$189,000,000, and which now owes nothing, is unable, at the same rate of interest we offer, to obtain a loan for three years, of an amount equal to only half a year's revenues. Is it true then that the depreciation of our stocks has resulted from the greatness of our

debt, or from the magnitude of our undertakings, or from any fiscal unsoundness or error? On the contrary, it is apparent that our stocks are depressed by some general cause affecting all American governmental securities. Some of the states have with youthful imprudence embarked, without proper fiscal systems, in great enterprises, which seemed to us, as well as to themselves, feasible and not disproportionate to their ability. A commercial revulsion has overtaken them before their works could be completed and rendered productive. Supplies of capital have ceased—the works remain unfinished—the states fail to pay interest punctually: and since punctuality is the life of credit, their credit is expiring."

The governor urges upon the legislature the imperious duty of preserving the credit of the state unimpaired and unsuspected, and concludes his remarks on financial concerns by saying :

"I suggest, with a view to this purpose, a rigid adherence, under all circumstances, to the rule hitherto observed, that the whole public debt shall not be raised above such an amount as that its interest can be paid out of the current surplus revenues of the canals; and to remove all questions concerning the fiscal soundness and moral integrity of the state, I recommend that all the future revenues from the national domain shall be pledged as a sinking fund to the extinguishment of the principal of the public debts, annually paying, or providing for the payment of a part of the principal, and absorbing first the older debts. If seventeen millions of dollars are yet required to complete our public works, the system I have suggested would in 1855 discharge the whole of our present and future indebtedness, and after that leave an unincumbered annual revenue."

In announcing that a debt of thirty-six millions of dollars would upon his system be paid off and discharged in 1855, without resorting to taxation, we presume the governor must have assumed two very material facts—first, that money could always be borrowed by the state at a rate not over six per cent.; and, second, that the avails of the sales of land by the United States would from year to year be distributed among the several states.

We have made more copious extracts from the message than we should have done, had not this document evidently been prepared by Gov. Seward with great care, as his last message, (for he had previously caused it to be announced that he should not be a candidate for re-election,) and because he was aware that he was addressing a body of men, a majority of whom came there with the avowed determination to oppose and overthrow the financial system of him and his political friends. Thus situated, he surely has a right to an attentive and fair hearing.

The report of the comptroller, Mr. Collier, bears date on the 4th of January. It commences by stating the public debt at \$17,911,230.66, and the liabilities for loans of the credit of the state to incorporated companies at \$1,235,700. The comptroller controverts a report made by Mr. Hoffman, at the preceding session, which states the public debt to be more than twenty millions of dollars. The comptroller estimates the *actual* debt at \$14,901,060 only. The report generally sustains the views of the governor as expressed in his message: it gives an interesting history of the practice of loaning the credit of the state to chartered companies, contains many statistical facts, well and luminously arranged, and must have been prepared with great care and labor.

In the early part of the session an unpleasant alteration took place between the governor and senate, which arose under the following circumstances:

In the year 1841, a law passed both houses of the legislature, and was approved by the executive, transferring the appointment of receivers of insolvent corporations from the chancellor to the bank commissioners. Early in the present session, a bill was introduced into the senate for the repeal of this law, which passed both houses in a day or two, and was sent to the governor for his approval.

The governor, on the 22d of January, returned the bill to the senate, with his signature, approving it, accompanied with a message. The message stated, in substance, that the act which was repealed by the bill contained a salutary and useful provision; that it had been in operation too short a time (only about nine months) to enable the public to judge of its utility, and that in his judgment it ought not to be repealed. "But," said the governor, "the general responsibilities of making laws rest with the legislature, while upon the executive are devolved only the duties of recommending measures, and of rejecting, for sufficient causes, bills originated and perfected by the representatives of the people. Although the executive might reluctantly feel himself obliged to interpose objections in a case where a proposed law should have hastily and inconsiderately passed the legislature, or should contravene the letter or spirit of the constitution, or infringe individual rights, or impair the necessary efficiency of the executive administration, or invade the constitutional or appropriate powers of any department of the government, or threaten any pervading or lasting injury to the public welfare,

or should tend to produce inequality or injustice, or deeply compromise any recognised principles of republican institutions, yet the person administering the government could not interpose objections to less important bills upon the mere ground of a difference of opinion concerning their expediency, without assuming an undue share of legislative responsibility.

"Applying these principles to the present case, I have not thought it my duty to embarrass the action of the legislature, but, cheerfully confiding in their superior wisdom, have approved and signed the bill, availing myself of this occasion to submit an explanation, inasmuch as the proceeding involves an apparent inconsistency, which might lead to misapprehensions concerning my views of the policy of the measure."

This message was sent to the senate on Saturday. On Monday morning, Mr. Foster moved to strike the message from the minutes, on the ground that it was the duty of the governor, if he approved of a bill, to sign it; "if not, he should return it with his objections." The governor, Mr. Foster argued, had no right to approve of a bill, and at the same time to cause to be entered on the minutes his objections to it, or his apology for signing it. "He has no more right," said Mr. Foster, "to spread upon the journal the reasons which may have influenced him in signing it, than senators have to enter their speeches, pro and con, upon the same record. Nay, not so much right, for it was the senate's journal, not the governor's."

The motion of Mr. Foster was discussed for some time in the senate, with apparent good temper, and finally, after it had lain over one day, was passed by a party vote of fourteen to thirteen.

On the 26th of January, the governor sent another message to the senate, in which, after adverting to the order of that house to strike his communication of the 22d from its journal, he says :

"I do therefore, with extreme regret that such a proceeding has become necessary, and with the most respectful deference, inform the senate, that the suppression of the communication referred to is regarded by me as a dangerous invasion of the rights of the executive department, unwarranted by any precedent in the history of the government, and without any justification in the circumstances of the transaction."

This message produced considerable excitement in the senate, and elicited a warm and somewhat acrimonious debate.

Mr. Strong, from Rensselaer, offered a resolution, that the message be returned to the governor, which was adopted by a party vote—fifteen in the affirmative, and eleven in the negative.

The registry law was repealed among the first acts of this legislature.

It is not improbable that Mr. Townsend's bill for the creation of election districts was calculated to accomplish, and has actually accomplished, all the substantial good effects that it was anticipated would be gained by the law which required the names of the legal voters to be registered before the election.

On the 31st January, GIDEON HAWLEY, of Albany, who had long been secretary of the regents of the university, and was the first superintendent of common schools, of whom we have spoken in a preceding volume, was elected a regent of the university.

On the evening of the 4th day of February the demo-

cratic members of the legislature assembled in caucus to nominate state officers. There were 107 members present; and on balloting for comptroller, A. C. Flagg had 105 votes, and was, of course, declared duly nominated.

Notwithstanding this strong vote in his favor, it is a fact, that some portion of the democratic party did not desire that he should be elected comptroller. Although no one, so far as we know, doubted his capacity or integrity, an impression did prevail that he was too stringent in his notions in relation to the expenditures on the credit of the state for internal improvements, of which, and of Mr. Flagg, we shall have occasion to speak more fully hereafter: in the mean time remarking, that the same impressions which on this occasion produced any *feeling* against Mr. Flagg's appointment as comptroller, was, as we believe, the germ out of which has grown the present schism in the democratic party. At this time, however, the current which from all quarters set in for the reappointment of Mr. Flagg was so overwhelming, that no opposition was openly made to his nomination.

On the first ballot for secretary of state, Samuel Young received 49 votes, Samuel W. Jones, 23, Ebenezer Meeck, 19, and John B. Skinner, 15. On the third ballot Col. Young received 58 votes, and was declared nominated. It may be proper to state that this nomination was entirely unsolicited by Mr. Young. When it was intimated to him that his friends desired that he should be secretary of state, he peremptorily refused to accept the office. Judge Jewett was then applied to, but he also declined, and thereupon an old friend of Col. Young, then a member of the assembly from Saratoga,

Mr. H. Rogers, called on Mr. Young and persuaded him, though apparently against his own inclination and judgment, not to decline.

There were several candidates for the office of attorney-general. George P. Barker, of Buffalo, Samuel Beardsley, now chief-justice of the Supreme Court, Robert H. Morris, of New York, F. G. Jewett, now a judge of the Court of Appeals, Amasa J. Parker, now a justice of the Supreme Court, and John B. Skinner, of Genesee, were respectively voted for, but the convention finally put in nomination Mr. Barker, of Erie county. The appointment was a good one, and well received. \*

We hope, however, we may be excused for mentioning in this place, that many years ago we knew John B. Skinner as a worthy and useful member of the legislature. He has, we believe, been offered several lucrative and honorable public employments, and among others that of the office of circuit judge of the eighth circuit, which he declined. His modesty or disinclination for political life has heretofore deprived the public of services which we do not doubt would have been greatly beneficial to them.

THOMAS FARRINGTON received 92 votes against 13 scattering ones for the office of state treasurer. It is not remarkable that his nomination should have been so unanimous, for we are not aware that he has a single personal enemy in the state.

Nathaniel Jones, of Orange county, was nominated surveyor-general. The candidates for adjutant-general were Henry Storms and Jonathan D. Stevenson, whom we have spoken of in our account of the Glentworth frauds; but Mr. Storms received 54 votes, and Mr. Ste-

venson 50 ; whereupon Mr. Storms was declared to be the candidate.

The nomination of these officers seems to have consumed the whole of the evening, for, on motion of Mr. Chatfield, the caucus adjourned till the next evening, when after several ballotings, and we presume, considerable electioneering, Jonas Earl, of Onondaga county, James Hooker, of Dutchess, Daniel P. Bissell, of Livingston, George W. Little, of Otsego, Benjamin Enos, of Madison, and Stephen Clark, were nominated canal commissioners. Mr. Earl had long served in that capacity; the remaining five were new men. All these nominations were confirmed by the legislature. Thus the whole power of the state, with the exception of that which was vested by the constitution in the governor, was now transferred from the whig to the democratic party.

In the senate there were 17 democrats and 15 whigs. The majority, unwilling to leave in the power of Lieutenant-governor Bradish the selection and appointment of committees, resolved that the committees should be appointed by ballot.

The great question, independent of mere party measures, which engaged the attention of the legislature, was that in relation to the prosecution of the public works according to the act of 1838, and the financial condition of the state. The incipient labor in order to produce action on this important subject was cast on the committees on finance and canals in the senate, and that of ways and means in the assembly. The senate's committee on finance consisted of A. C. Paige, Hawkins, and Bockee, and that on canals of Denniston, Rhoades, and Varian. In the assembly the committee of ways and

means was comprised of Hoffman, Lawrence, Davis, Julian, and Smith.

To whatever cause the financial embarrassment may be ascribed, certain it is that the condition of the state was such as to alarm cool and calculating citizens. During the greater part of the year 1841, it had been found impossible to negotiate permanent loans without a sacrifice the most ruinous. Six per cent. stocks had fallen to 20 per cent. below par, and it was doubtful whether they would not fall even below that price. Large sums were due and in arrear to contractors, some of whom were obliged, in order to pay their laborers, to borrow of the banks on their own credits. Timid and cautious capitalists became alarmed, and some of them refused to loan money to the state on any terms. In this condition of things the state officers, in order to prevent a suspension of the public works, and a total wreck of the credit of the state, were obliged to enter the money-market and raise money on short loans, payable in nine and twelve months, &c. Like the merchant who, hard pressed, borrows money from day to day to meet the payment of his notes, and who is sometimes obliged to borrow of A. to-day to repay money which he borrowed of B. yesterday. To a practice something like this, called "shinning," by the merchants, the state officers were obliged to resort for the purpose of discharging the pecuniary obligations of the state. In this way, and on these conditions, about \$1,600,000 had been raised. These loans were called "temporary loans."

We have before us a letter from a gentleman of high character for veracity and intelligence, now a resident of Albany, in which, among other things, he states:

"After the election of 1841, and before the 1st of January, 1842, Col. Young and myself called on Mr. Hoffman, then in Albany, and the question of what was to be done was discussed between us. The colonel was of opinion that the evil was so far advanced, that although it might be *postponed* by legislation, it could not be cured; that the moment the credit of the state was restored so as to be marketable, the influencees that had destroyed would again rally and again destroy it; that for this reason the true course was to let our credit continue to sink until the close of the session, and then call a convention to dispose of the whole matter. Mr. Hoffman admitted a convention might ultimately be necessary, but was disposed to try what legislation could do. I think he had in this course the approbation of Mr. Flagg."

Col. Young has been charged with advocating the repudiation of the public debt. This charge is untrue. He was of opinion that a legislative remedy would afford only a transient relief, while a constitutional provision would be permanent. Perhaps, like Mr. Pym, he thought that "things must be worse before they could be made better."\*

When the legislature met, Mr. Hoffman, in a speech which occupied a considerable part of the 14th and 15th days of January, attacked the governor's message with great severity. He disputed some of his facts, and condemned many of his conclusions. He deprecated the increase of the state debt, and concluded his speech by saying,—

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\* So that extraordinary man told Lord Clarendon, a little before the revolution which took place in England during the seventeenth century.

" You may follow in the course of other states and other institutions—offer seven, seven and a half—go to eight—continue the process until, like Indiana, Illinois, and Michigan, your stocks are sold at forty or fifty cents on the dollar. But sooner or later the hour is approaching when you must stop in this profligate course, as we have already stopped our public works. If the two houses shall be equal to their duty on this trying occasion, let no man tremble for the honor and character of the state. It can be preserved—it should be. Can any man, native or foreign, hesitate between stopping these expenditures, and going on at the expense of credit, honor, and character? Lives there any thing so base on earth, that to work itself out of difficulty, would bring this state where Indiana and Illinois are? where the Bank of the United States is? once deemed to be beyond the reach of dishonor and bankruptey—where Michigan is? where deficit has put Maryland, an Atlantic state? Will any man say he would bring the state to this position, rather than take the safe course which he knows will preserve our honor and credit, without which every thing else is valueless? If we will only stand by our credit—cease our expenditures—pay as we go—we shall overcome this storm, stand erect, and in the markets of Europe our merchants will be the merchants of the republic, our banks the banks of the republic, our reputation, in a word, like that of the people of Holland. But if, seeking popularity for an hour, dreading the influence of this and that locality, we go on, winking there at a railroad, and here at an extension, the credit of the state in peril, and itself on the verge of bankruptey—when calamity comes upon us, and we call upon the mountains to cover us, the earth itself would

spurn us—the ashes of the dead on which we stand would be dishonored. The damned would mock us and drive us from their society. No language of reprobation can express the deep indignation that men must feel when they see their country urged—urged—urged to the fatal verge of ruin."

The same subject came before the senate on the following resolution offered by Mr. Franklin :

"Whereas, it is equally the duty of states as of individuals, to maintain inviolate their faith and credit, and upon no occasion to repudiate or set at naught a just and legal contract, but to uphold and maintain, by every means in their power, that degree of honesty and integrity in reference to their pecuniary obligations which will enable them at all times to command the confidence of those to whom they may be now and hereafter indebted :

"And whereas, in consequence of the excitement and alarm which now so generally prevails in reference to the plighted faith of some of our states, in consequence of the action of their legislatures upon the loans which they have created, it is right and proper that an expression should be had in relation to the obligations which have been entered into by this state : Therefore,

"Resolved, (if the assembly concur,) That we hold the pecuniary obligations of the state of New York of so sacred and binding a character, that we will, by every means in our power, maintain and uphold them, and under no circumstances suffer or permit the confidence which has been reposed in our plighted faith to be in the least degree injured or impaired by our action : but will hold ourselves responsible, at all times, and under all circumstances, to carry out and maintain the legal obli-

gations which we have contracted, and faithfully to redeem the loans which have been made upon the faith and credit of our state."

To this resolution Mr. Rhoades proposed to add the following :

"Resolved, That we regard the doctrine of repudiation of state debts, whether emanating from the legislature, or from individuals of any state, as alarming in its tendency, at war with the principles of natural justice, destructive of public morals, and subversive of those principles of honest integrity and good faith, without which we cannot maintain national or individual prosperity."

For these resolutions and preamble, Mr. Sherwood proposed the following substitute :

"Strike out all after the word 'whereas' in the first line, and insert, 'our present system of finance has contributed to the general excitement and alarm which so extensively prevail in consequence of the excessive issues of stocks by the several states :'

"And whereas such system, if further continued, would be ruinous in its consequences, and subversive of the faith and credit of our state, therefore,

"Resolved, (if the assembly concur,) That we hold it among our first duties to provide for the liquidation and payment of our present debt, as soon as practicable, and in no case whatever (except for the purpose of suppressing insurrection, repelling invasion, or defending the state in war) to create a further debt, unless we, at the same time, and in the same bill, provide for its ultimate and speedy repayment."

The debate which ensued took a wide range. The past financial policy of the state was reviewed, and the

course which in the present emergency ought to be pursued was discussed.

The democratic members who took part in the debate indicated their preference for the system which was ultimately adopted by the celebrated financial statute of 1842, which was afterwards enacted. On the other hand, the whigs contended that it would be unwise to adopt restrictions; that the completion of the projected public works ought to be prosecuted without regard to the increase of state indebtedness, whenever money could be borrowed at the rate of six per cent.

On the whig side, Dickinson, Franklin, Rhoades, Root, and Hard delivered elaborate and able speeches. The latter gentleman, Mr. Hard, was a new member from the eighth district. He had been a member of congress, and, by his talents and attention to business, had acquired a respectable standing and character in that body. His experience, abilities, prudence, and integrity of character, soon caused him to be regarded as one of the most prominent whig leaders in the senate. On the other side, Sherwood, Paige, Hunter, Dennison, and Ruger, supported Mr. Sherwood's substitute. It is said the speech of Mr. Sherwood was able, and did him much credit. We have read only the speech of Mr. Dennison, which was reported at full length. That speech contains an extended review of the financial operations of the state, evinces that Mr. D. possessed a thorough knowledge of his subject, and is marked with distinguished ability.

Mr. Flagg was appointed comptroller on the 7th of February, and on the 15th of that month he made a communication to the assembly, which presented his views of the condition of the treasury, and the future

course which in his judgment ought to be pursued. In this communication he boldly laid bare the financial condition of the state: he adverted to the rapid decline of the public credit, and if he did not demonstrate that the ship of state was aground, he proved that she was on the point of foundering. He commenced by stating that the sum which the general fund was required to pay during that year amounted to \$797,829.40. This sum included \$343,436.43 which had been borrowed of the safety-bank fund, but which, in consequence of the recent bank failures, the general fund would be called on to repay.

He further stated, that "money has been borrowed during the past year from sundry banks and other corporations, and made payable in the month of March, to the amount of \$1,455,000. Of this large amount, the sum of \$1,205,000 is due on the first day of the ensuing month. When this money was borrowed, no provision whatever was made for its payment, and the present commissioners have been under the necessity of asking for an extension of the sums due on the 1st of March." These moneys were denominated "temporary loans."

Mr. Flagg proceeds to state that from the report of the late comptroller there was a deficiency in the means provided to put the canals in repair for the ensuing spring, and to pay the interest on the public debt on the 1st of April, of \$396,837.20, and that this sum might be increased in consequence of injuries to the canals by floods.

"This statement," he says, "shows that the amount required within the next forty-five days, to open the canals and pay interest on the direct debt of the state, cannot be less than \$100,000.

"To this must be added the following sums, viz:	
"Interest on temporary loans in March . . .	32,698 37
"Principal of the loans standing in the name of the N. Y. State Bank, payable 16th	
March, . . . . .	200,000 00
<hr/>	
"Total sum to be raised before the 1st April,	\$632,698 37

"How," continues Mr. Flagg, "is this money to be raised? In relation to long loans, the commissioners of the canal fund went to the bottom of the loan-bag a year ago, and they have carried to exhaustion the questionable expedient of temporary loans from banks."

He states the increase of the state debt from 1838 to February, 1842, to be \$16,229,141.68. The comptroller adds:

"It may be said that the European market is closed against our stocks, and that the stocks of the states generally, are much more depressed than our own; yet Massachusetts stock has measurably maintained its standing, as ours did in 1837. It is not possible to uphold the character of state stock, so long as it is issued to such excess to pay contractors, and is loaned to insolvent banks and needy railroads. Forced upon an overburdened market through such channels, the credit of New York is measured, not by its own vast resources and ample revenue of two millions of dollars, but is brought down to the urgent necessities of a needy individual, or of a corporation on the brink of dissolution. In this way only could the six per cent. stocks of this state be reduced to a discount of twenty-two or twenty-five per cent."

He recommends a retrenchment of expenditures, and

a direct tax of one mill on a dollar, and concludes by saying:

"Sound action at the present crisis is of inconceivable importance to the future welfare, as well as to the immediate business interests, of the people of this state; and more or less, from the peculiar condition of things, to the whole country. At such a time, local interests, and every consideration merely personal, must yield, for the time being, to the paramount welfare of the whole."

"Whatever differences of opinion may prevail on other subjects, it is to be hoped that resort may not be had to any of the wretched expedients which have proved so disastrous to some of the states of this Union; but that we may look our difficulties full in the face, and adopt such sound measures as are necessary to restore the credit of the state, and protect our free institutions from dishonor."

On the 7th of March, Mr. Hoffman, from the committee of ways and means, made an elaborate report, in which he presented views of the financial affairs of the state similar to those of Mr. Flagg. The committee, in conclusion, say :

"1. The expenditures of the state must cease. The present 'pressing engagements' for the general fund, and for the canals in 1842, and for the canal stock debt to be provided for before or in 1845, after applying all present means on hand and available, *and all prospective surplus of canal revenue* to and including 1845, will, as we have seen, leave \$4,123,329.90 to be extended beyond 1845 by the credit of the state. Provision too must be made to supply any deficiency in the general fund revenue. Until after 1845, therefore, there *will be no surplus of canal tolls to be employed as a fund or means to pay*

*interest on new canal loans.* These tolls will be absolutely necessary to provide for the liabilities above specified. New loans for further expenditure cannot therefore be made, except on terms at once disgraceful and ruinous to the credit of the state. The impeachment of that credit by such new loans for new expenditures, would prevent the state from negotiating loans for existing demands, as above stated, and to meet which we have no means *present or prospective in tolls.*

"2. A tax of one mill on the dollar, or one dollar on every thousand of the assessed value of all taxable property, should be imposed and collected for each of the years 1843, 1844, 1845, and 1846. The assessed value of the real and personal property of the state, according to the comptroller's report, page 80, is \$665,299,530, and the tax thus levied would produce a revenue of about \$600,000 annually. The tax assessed in 1842, and collected in 1843, should be paid into the treasury in aid of the general fund, as should also one-half of the revenue from the tax collected in each of the years 1844, 1845, and 1846. It would probably bring to the general fund \$1,500,000. It would be a certain resource for the payment of temporary loans, for the treasury, and thus enable the state to replenish the bank safety-fund, the other special funds, and especially to restore the fund set apart to pay the Erie and Champlain canal debt, \$239,425.16, which the state has consumed of the capital of that fund for current expenses. It would, to some extent, provide the treasury with means to meet the probable charge of railroad interest.

"The other half of the above tax to be collected in the years 1844, 1845, and 1846, should be paid over to the commissioners of the canal fund to aid that fund.

It would produce about \$900,000, which, added to the available means on hand, Feb. 8, 1842, for current canal expenses, \$76,097.80, would make \$976,097.80. This would furnish the entire means of repaying loans to meet the pressing demands on the canal fund, to pay interest in March and April, to pay for the repairs in progress on the Chemung Canal, and the expenses of repairs, superintendents, and collectors on the canals, until June next, \$681,480.32, and leave applicable to other loans for other pressing demands of the canal fund, \$294,617.28.

"3. The funds subject to the legal control of the state should be collected, and as far as safe and proper should be invested in such loans as the legislature shall authorize, to meet the pressing demands of the canals for 1842."

In conformity with these principles, the committee brought in the celebrated bill entitled, "An act to provide for paying the debt and preserving the credit of the state."

The bill did not linger long in the assembly. It was opposed with much zeal, and of course with distinguished ability, by Mr. Simmons of Essex, and some others belonging to the same party. Mr. Humphrey, of Tompkins, expressed his apprehensions that the suspension of the public works would have a disastrous effect on Tompkins and the adjoining counties: he deeply regretted that the passage of such a bill had become necessary, and he therefore yielded his assent to it with great reluctance.\* The vote on the final passage of the bill

\* While the bill was in the assembly, Governor Bouck visited Albany. When there he expressed his opposition to the suspension of the public works. He suggested the plan of sending a mission to Holland to borrow

was taken on the 19th of March, 50 members voting in the affirmative, and 27 in the negative. Those who voted in the negative were nearly, if not quite all, whigs.

When the bill came into the senate, Mr. Dickinson offered, not, as he stated, "as the embodiment of the views of the minority," but as his own "individual proposition," for which no political party was responsible, a bill containing in substance the following provisions, as a substitute for the bill from the house :

"Sec. 1. Imposes an annual tax of one per cent. on the capital stock of all banks, banking associations, insurance and trust companies, (except mutual insurance companies,) and exempts such corporations and associations from all other taxes, except the contribution to the bank fund.

"Sec. 2. Act to continue in force for three years from the first of July next.

"Sec. 3. The share of this state in the proceeds of the public lands, to be received from the United States treasury, and pledged to the payment of the stock debt of this state.

"Sec. 4. The comptroller to issue bonds, redeemable in not less than 20 years, bearing interest not exceeding seven per cent., to the following amount, and the bonds to be disposed of on the best terms that can be obtained. For temporary loans, \$1,514,000; for the Chemung Canal, \$150,000; for opening canals, &c., \$200,000; for

money, and for a time seemed anxious that the bill should be abandoned, and that his scheme should be adopted; but upon the remonstrance of Mr. Seymour of Utica, and perhaps others of his friends, he reluctantly, and against his judgment, discontinued his opposition.

replenishing the general fund, \$625,828 ; for arrearages to contractors, \$569,000.

“ Sec. 5. Appropriates \$160,000 for the further prosecution of the Black River Canal, \$200,000 for the Genesee Valley Canal, \$750,000 for the New York and Erie Railroad Company, and \$1,400,000 for the Erie Canal enlargement ; and charges the interest (which will soon be in default) of the New York and Erie Railroad stock to the general fund.

“ Sec. 6. Authorizes the comptroller to issue bonds to the amount of \$1,250,000 in sums of *ten* dollars, payable in one year, and a like sum in two years, at seven per cent., for the objects of the preceding section.

“ Sec. 7. Authorizes the comptroller to *pay* said bonds in the stock created by the 4th section.”

It will be perceived that Mr. Dickinson’s bill proposed a tax on incorporated companies in lieu of a state tax, a sinking fund to be formed from the moneys hereafter to be paid to this state by the United States from the avails of the sales of public lands, and a continuation, to a limited extent, of expenditures for carrying on the public works.

Mr. Paige then proceeded, in a speech of considerable length, to review the condition of the state finances, and in support of the original bill. He was replied to by Mr. Dickinson.

The motion for the adoption of the substitute was lost, only six whigs, Dickinson, Hard, Hawkins, Platt, Root, and Works, voting in favor of it. The principal ground taken by the whigs was opposition to levying a tax, which they contended might be dispensed with; and to a total suspension of the public works.

After Mr. Dickinson’s substitute was disposed of, Mr.

Foster moved an amendment to the fifth subdivision of the fifth section, so as to apply not exceeding \$400,000 to the Erie Canal enlargement and the Glens Falls feeder; not exceeding \$100,000 to the Black River Canal and Erie Canal feeder; and not exceeding \$150,000 to the Genesee Valley Canal. [The section, as it stood appropriated \$500,000 to the preservation of works now in progress, and the payment of land damages. The amendment adds \$150,000 to the appropriation.]

Mr. Foster said it would be perceived that his proposition was to add \$150,000 to the amount of this appropriation, and to divide it in such manner as to permit the preservation of all the works in progress. A previous section appropriated \$1,000,000 for arrearages to contractors, extra allowances, and land damages; and the \$500,000 in this subdivision was intended, after paying such sums as might be necessary to secure the preservation of the works, to make up for deficiencies in the million. Mr. F. was desirous to go for the lowest possible sum which could secure the preservation of the canals as they are, and put those that are navigable in suitable order. But he believed this proposed half million would prove to be inadequate to save the state from pecuniary loss, arising from the destruction of works partially completed.

And he offered his amendment in the shape he did for another consideration. By the tenth section, all works were to be suspended until the farther order of the legislature, except three kinds of work, to wit: such as shall be necessary to preserve or secure the navigation; such as may be necessary to preserve works already done, from destruction by ice or floods; or such as the completion of which may cost less than will be saved in the

preservation of the work already done. By this section nothing could be done upon the Black River Canal. He believed there was imminent danger of the destruction of works on that canal from causes other than by ice or floods. Mr. F. described the condition of locks, which would probably decay unless water was admitted into them.

Mr. Paige said, from the examination he had given to the subject, he had arrived at the conclusion that the sums appropriated were sufficient for the purposes indicated. Mr. P. went briefly into detail as to estimates, and replied to the other parts of Mr. Foster's remarks, by pointing to a general power to preserve works from destruction, contained in another section.

Mr. Foster rejoined, differing as to the construction of the section.

Mr. Nicholas said there was another item, which was altogether unprovided for in this bill, and which he anticipated would be a very heavy one; he alluded to damages arising out of the suspension of contracts. This was kept out of view; but if the work was to be arrested, it should be provided for in the same bill. If he was rightly informed, the contracts which would be suspended amounted to some \$3,000,000, and that the claims for damages for their suspension would be almost as large as that amount. He believed that the sums provided in the bill were ample for the objects enumerated, and he could not, therefore, vote for the present amendment.

Mr. Dickinson could not go for this small amendment; the bait was too insignificant. Besides, this made no provision for the New York and Erie Railroad—a work second only in importance to the Erie Canal. He should

therefore vote against the amendment and against the bill, and go before the people upon the substitute proposed by him.

Mr. Foster's amendment was rejected, only seven members, Dickinson, Faulkner, Foster, Hard, Hawkins, Peck, and Works, voting for it.

Mr. Faulkner then offered an amendment to the tenth section. This amendment proposed to join the canal commissioners with the commissioners of the canal fund, in the power to direct the application of the moneys to particular works, and to enlarge the discretionary powers of the board thus to be formed. Upon an inquiry made by Mr. Dixon, a sound-minded whig member from Chatauque, whether this was all the alteration proposed to be effected by the amendment: and on being answered by Mr. Faulkner in the affirmative, Mr. Dixon declined to vote for this amendment, and it received only the votes of Messrs. Faulkner, Foster, Hard, and Works.

The proceedings of the democratic members of the senate on the amendments of Mr. Foster and Mr. Faulkner are worthy of particular notice, because they afforded the first public demonstration in our *state legislature* of the difference of opinion between that portion of the democratic party called Barnburners, or radicals, and those that were afterwards called conservatives, or "Hunkers." For the purpose of avoiding circumloction, and not with a view of casting reproach upon either section, we shall call the one party hunkers, and the other radicals. The radicals claimed to be more stringent in their views in relation to state expenditures than the hunkers. At the head of the former stood Mr. Hoffman in the assembly, and Mr. Dennison, Mr. Paige, and Mr. Strong in

the senate. Of the latter, Mr. Seymour\* in the assembly, and Mr. Foster in the senate, were the most distinguished. Several members of the senate, however, who were understood to agree with Mr. Foster in his general views, and who afterwards acted with him, such as Mr. Corning of Albany, Dr. Ely of Otsego, &c., did not, on this occasion, vote with him.

There is a curious portion of unwritten history connected with the action of the senate on this bill, which may be worth the attention of the reader.

Mr. Hunter and Mr. Dennison had declared to some of their political friends, that if Mr. Foster's amendment should be adopted and incorporated in the bill, they should be compelled to vote against it on the question of its final passage. If, then, these two senators, and all the whigs had voted, as it was known they would do, against the bill, it would inevitably have been defeated, for there were but seventeen democratic votes in the senate. If, therefore, the whigs in a body had voted for Mr. Foster's amendment, and then voted against the final passage of the bill, the amendment would have been adopted, and the bill defeated. In this state of the case a communication was opened with one of the leading whig senators, who, together with several of his friends, thinking the amendment of very little consequence, and, as Mr. Dickinson said, that "the bait was too insignificant," and probably believing that the suspension of the public works and the levying of a direct tax would be so unpopular as to break down the party

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\* It ought to be noted, that Mr. Seymour voted for and supported the bill in question. He is spoken of in the text in reference to his subsequent course.

which supported such measures, agreed to vote with the radicals against Mr. Foster's amendment. If this statement is correct, and we have it from unquestionable though verbal authority, may it not be said that this great measure would not have been carried had it not been for the votes of the whig senators?\*

The passage of this law, and the appointment of Mr. Flagg as comptroller, produced an almost instantaneous effect on the public credit. Mr. Flagg, as we have seen, was appointed comptroller on the 7th of February, and the law of which we are speaking was passed on the 29th of March. Six per cent. stocks, before the passage of the law, sold at from twenty to twenty-two per cent. below par. Five per cent. stock was sold at seventy cents on the dollar. Within two months after the passage of the law, seven per cent. stock came up to par, and within six or seven months six per cents. also sold at par; and in fifteen months, according to the Albany Argus, five per cent. stocks were at par.

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\* It may well be doubted whether that portion of the whig party in and out of the legislature, who were interested in banks, and especially those banks which had taken "temporary loans," were not desirous that the bill of 1842 should become a law,asmuch as they must have foreseen that the effect of the law would be to raise the value of state stocks, with which the banks able to loan money had then become gorged. In support of this hypothesis, a highly intelligent correspondent wrote us a few days ago from Albany, on the subject of the passage of the finance bill through the senate in 1842, that "the action of the whig senators, and the approval of the governor, were both the result of the influence of the moneyed interest," [we are sure our correspondent does not mean to insinuate that that influence operated corruptly.] "in whose hands or vaults were several millions of the recently issued stock. Three or four banks in this city had taken \$1,500,000, I think, in the fall of 1839. The state had made short loans from the banks, and finally, in the fall of 1841, had paid contractors in stock, having exhausted all other means."

A change in the state of the money-market no doubt had some effect in producing this great rise in the price of state securities, but a principal cause of the great advance in the market value of our stocks was the restoration of confidence in the soundness of our financial system, produced by the passage of the law levying a tax and suspending public expenditures, and the appointment of Mr. Flagg, in whose financial skill, integrity, and firmness capitalists had unbounded confidence. No man ever possessed this confidence in a higher or indeed so high a degree. We say this without intending to depreciate the merits of any of his predecessors.

What probably had some effect in preparing the public mind for receiving favorably the financial system enacted by the statute of 1842, was the train of thought excited, and the ideas which were elicited by certain resolutions for an amendment of the constitution, proposed by Mr. Loomis, in the assembly of 1841, and again offered and discussed during the present session. The resolutions, as proposed by Mr. Loomis, were in the following words :

"Resolved, (if the senate concur,) That the following amendment to the constitution of the state of New York be proposed and referred to the next legislature to be chosen, and that the secretary of state cause the same to be published in one newspaper in each of the counties of this state in which a newspaper is printed, once in each week for three months next previous to the next annual election, pursuant to the provisions of the first section of the eighth article of the said constitution :

"Resolved, That the constitution of the state be so amended, that every law authorizing the borrowing of

money, or the issuing of state stocks, whereby a debt shall be created or increased on the credit of the state, shall specify the object for which the money shall be appropriated; and that every such law shall embrace no more than one such object, which shall be singly and specifically stated; and that no such law shall take effect until it shall be distinctly submitted to the people at the next general election, and be approved by a majority of the votes cast for and against it at such election. That all money to be raised by the authority of such law, be applied to the specific object stated in such law, and to no other purposes whatever, except the payment of the debt thereby created or increased. This provision shall not extend or apply to any law to raise money for the purpose of suppressing insurrection, repelling a hostile invasion, or defending the state in war."

As the principles contained in the last resolution, and indeed almost its very words, were adopted by the late constitutional convention, and now make a part of our constitution, and as, like all projects of reformers when first presented to the public eye, they were generally viewed as visionary, and dangerously revolutionary in their character, it seems proper to give some account of their origin and the manner in which they gradually grew in favor with the public.

We happen to know the fact that ARPHAXAD LOOMIS is the parent of the "*people's resolutions*." He first suggested the project by a communication written by him, which was published in the Mohawk Courier, a paper printed at Little Falls. The article attracted considerable attention, and it was copied into several other newspapers. All men of experience and reflection had seen the facility with which combinations could

be formed to carry money bills through the legislature. All felt that we had suffered much, and might in future suffer more, by improvident legislation, and all were solicitous that a remedy should be discovered and applied. The project of Judge Loomis seemed to provide that remedy. But it was apprehended that the very combination, which his resolutions were intended to destroy, would prevent their adoption; and for some time there was reason to believe those apprehensions were well founded. Mr. Loomis, however, was not discouraged. After his election to the assembly in November, 1840, he advised with his colleague, Mr. Hoffman, and with Mr. Flagg, both of whom concurred in his views. He therefore, in the session of 1841, proposed the resolutions in the assembly of that year. They underwent some discussion, and the democratic members of that assembly voted generally for their adoption; but, it will be recollectcd that they were during that session in the minority. After the adjournment of the legislature in 1841, many of the democratic newspapers published those resolutions at the head of their columns, as a part of their creed. They at first denominated them "Loomis's resolutions;" but, as we are informed by a friend at Little Falls, the editor of the Mohawk Courier was requested by Mr. Loomis to change the designation of the resolutions from that of "Loomis's resolutions" to that of "the people's resolutions." With this request he complied, and marked the change in such manner as to call the attention of other editors to the alteration.

In 1842, Mr. Loomis, being a member, again introduced these resolutions. After various efforts to procrastinate, on the 14th of March they came up for discussion, when he made an able speech in their favor.

Mr. Tamlin, a democratic member from Jefferson county, delivered a speech in opposition. He was followed by Gen. Dix from Albany, who attempted to show the danger of committing to the legislature unlimited power to involve the state in debt, and to mortgage the property of their constituents to an indefinite amount: and he concluded an eloquent address, by saying:

"I do trust gentlemen will look at this question as one of principle, and not in reference to its possible bearings upon local interests. Sir, the interests of the day are fleeting. They are perpetually varying their aspects and phases. Men are continually entering into new combinations. The local interest of to-day may, by change of circumstances, lose its importance to-morrow; and he who abandons a great principle for the sake of a local interest may find himself abandoned when he least expects it. But principles are eternal: and he who boldly identifies himself with them, spurning away all minor considerations, can never fall, for he stands upon ground which is impregnable. Or, if he does fall for the moment, the excitement by which he has been overborne will soon pass away, and he will rise again with new honor and strength."

The ayes and noes were taken on the resolutions, and there were 35 ayes and 49 noes. The number of those who voted in the affirmative being less than the majority of all the members *elected* to the assembly, the motion for the adoption of the resolution (it being a resolution proposing to the people an amendment of the constitution) was declared lost: but it was not in truth *lost*, for the subject continued to excite the attention of the community, and to agitate the public mind, until the meeting of the constitutional convention in 1846, when

it was in substance adopted by that body, and approved by the votes of a large majority of the electors of the state.

No doubt much interest was felt by the politicians at the seat of government, and by the members of the legislature of both parties, in relation to the selection of a candidate for governor. The hunkers were generally in favor of the renomination of William C. Bouck, who, although beaten at the election in 1840, had received several thousand more votes than were cast for the democratic candidates for presidential electors, from which an evidence of his personal popularity was inferred; while the radical leaders were rather averse to his nomination, and preferred some other candidate. Among other gentlemen of whom they spoke, Gen. Dix was mentioned as a person who would be very acceptable to them and to the public in general, but no serious altercations took place, nor were there any public developments of a settled difference of opinion. All manifested their willingness, and indeed their determination, to support such candidate as should be nominated by a state convention.

We have mentioned that during this winter the germs of the two parties, hunkers and radicals, began to be perceived in the democratic party. At the same time, if not before, the whigs afforded evidence that they too were splitting into two parties. The particular friends of Gov. Seward were more radical in their political principles, and more favorably disposed towards foreigners, and especially Irish emigrants, and more inclined to tolerate the peculiar doctrines and principles of the abolitionists, than some other prominent members of the same party. There is a class of men, many of whom by-the-

by are pure and highly honorable men, who are alarmed at any new doctrines or political projects, who abhor all innovations, and who seem to believe that the most decisive evidence of patriotism, and sound and safe policy, is an inflexible adherence to things and institutions as they are, and have been transmitted to us by those who have preceded us. Of this last description of men there were many among the whigs; and that portion of the whig party may be properly termed conservative whigs, while the other class may, with equal propriety, be denominated radical whigs. If the latter description of politicians, whether they be whigs or democrats, sometimes err, by too much subservience to what they deem is or will be most popular among the masses: the former also, in our judgment, frequently, to use the mildest term, misjudge, living as they do under a government which is a representative democracy, by affecting a disregard and contempt for the opinions or even the prejudices of the multitude. Hence the whigs were also divided on the question in relation to the selection of their candidate for governor.

LUTHER BRADISH, then lieutenant-governor, as pure a man as ever lived, was undoubtedly the most prominent man of the party, (Gov. Seward being out of the question,) but he was regarded with jealousy and coldness by some of the radical whigs. Both sections of the whig party, however, like the two sections of the democratic party, generally determined to abide by and support the result of the action of a state convention.

On the 11th of April, the day before the adjournment of the legislature, the Virginia controversy, of which we have said so much, again excited the attention and action of the two houses of the legislature.

Mr. Strong, of the senate, submitted a preamble and joint resolution to that body, declaring that stealing a slave, contrary to the laws of Virginia, is a crime within the meaning of the constitution, and directing that a copy of this preamble and resolution be transmitted to the executive of Virginia. Messrs. Dickinson and Hard opposed the adoption of this resolution, but it passed by a vote of 16 to 14, all the democratic members voting in the affirmative, except Mr. Boekee.

On this resolution coming into the assembly, Mr. Seymour moved its reference to the judiciary committee, which motion was lost, whereupon Messrs. Davezac and Townsend advocated a concurrence; and the previous question being moved and sustained, the resolution was concurred in by the assembly,—62 voting in the affirmative and 35 in the negative. The vote in the assembly was also a party vote, the whigs generally voting against the resolution and the democrats for it. Mr. D. S. Wright refused to vote. We must be excused for saying that we are glad to find on the journals of the assembly the name of that excellent legislator, Calvin T. Hulbert of St. Lawrence, among those who voted in the negative.

The next day Gov. Seward sent a message to the legislature, in which, after reiterating in a very pointed manner the opinions he had formerly expressed on the subject, and declaring his adherence to them, he declines being the agent of the two houses in transmitting the preamble and resolution to the executive of Virginia, and recommends to the two houses the selection of some other organ of communication between them and the executive of “our sister commonwealth.”

The legislature then adjourned to meet again on the

16th day of August, for the sole purpose of dividing the state into congressional districts, in pursuance of a recent act of congress. Before the adjournment, however, the members of each party adopted and issued an address to their constituents.

In the year 1840 a law passed appointing Thurlow Weed state printer, in lieu of Edwin Croswell, for the term of four years from that time. By the fourth section of the act the secretary of state and comptroller were authorized to contract with the printer to the state for the printing, "*during the term of his appointment,*" of the journals of the two houses, bills, &c., at prices adapted to and not exceeding the rates ordinarily charged by printers in Albany for such services. A *contract* for printing was immediately made by the comptroller and secretary with Mr. Weed in pursuance of the fourth section, in which it was of course stipulated between the parties that the contract should continue four years.

During the session of 1842 a bill was brought in repealing or materially modifying the act of 1840, removing Mr. Weed, and requiring the appointment of a new state printer. This bill passed both houses, and was sent to the governor for his approval; but he returned it to the assembly with his veto, stating as his principal reason that the contract between Mr. Weed and the state officers could not be abrogated without the consent as well of Mr. Weed as of the state. The bill, on a reconsideration, passed the assembly by the constitutional majority, 82 members voting in its favor, and 32 against it, but it was lost in the senate, more than one-third in that house being opposed to it.

The governor's veto message certainly did present a very grave constitutional question; and on examining

the journal, we find that Horatio Seymour and that able lawyer, Charles Humphrey, although both were democrats, did not vote on the question.

Mr. O'Sullivan again introduced a bill for the abolition of capital punishment, which he supported with renewed zeal and energy, but was finally unsuccessful, 45 members being for, and 55 against it. We regret to perceive the names of Dix, Seymour, and Hoffinan among those who voted in the negative.

During the winter and summer of 1842, matters of deep interest were discussed and passed upon by the national legislature, in which Mr. Wright, as the representative in the United States senate from this state, acted a distinguished part.

At the extra session of 1841, a law had been passed to fund the treasury notes which had been put afloat, and to raise by a loan at six per cent. several millions of dollars. By the law, however, the secretary of the treasury was prohibited from suffering the stock thus created to be negotiated at a price less than par: the consequence of which was, that no money was brought into the treasury, and it became embarrassed. Mr. Evans of Maine, who had succeeded Mr. Clay as chairman of the finance committee, reported a bill authorizing the stock "to be sold at the highest price which could be obtained in market for it." This bill was opposed by Mr. Wright in an able argument, showing, among other things, the fatal consequences of suffering our stocks to be hawked about in market, and sold under their par value. He concludes by saying:

"I may be asked by the friends of this bill, what shall be done? And I admit that the inquiry is fairly made. I claim, Mr. President, but a small portion of the wisdom

necessary to answer safely and properly such a question ; but I say, unhesitatingly, do any thing, do nothing, rather than pass this bill in its present form. Call back the land fund, and pledge it inviolably to sustain your credit and meet the interest upon your loans, and then fix your stock at par, and give an interest which will command the money. I think six per cent. and twenty years' time will do it abundantly, and I do not doubt the prompt subscription of the amount you require, if books were to be opened upon these terms ; but if six per cent. would not, seven would. Then you would meet all competitors fairly in the market, and make the actual value of money the standard of success.

" Bring down your expenses from the twenty-five or twenty-six millions per annum, which you now propose, to twenty millions, or to eighteen millions, if need be ; restore the land fund to the treasury, and increase it by pre-emption and graduation bills, which certainly will increase it immediately ; offer your fresh lands for sale, and live upon the means you can thus command, until you can improve your revenue from customs, or obtain loans upon terms reasonable in themselves, and which will not spread ruin over the states, and prostrate the business of the country. Do gentlemen forget that cash duties are hereafter to be paid in all cases of revenue from customs, and that consequently an increase of the tariff is to be an instant supply of revenue, if the rate of duty be made sufficient, and the importations continue ? There is no longer to be a system of credits to postpone the influence upon the treasury of this part of our legislation. Why then borrow money for twenty years at all ? And certainly, why put the credit of the country at auction, when relief is so easily reached, and can so

instantly be made effectual? If the pledge of the land fund does not bring you loans upon reasonable terms, it will bring you means to the amount of three millions per year at the least, and if improved as suggested, may bring you five, for a period sufficient to enable you to improve your other sources of revenue.

"If these things cannot be done, follow the noble example of New York; lay taxes, direct or indirect, or both; stop expenditure beyond the means which the lands and the customs will supply; fund the outstanding treasury notes as you propose to do in this bill, and wait until the money-market shall improve, or until you can realize an adequacy of means from your improved revenues. Again, I say, do any thing, do nothing, rather than propose to sell your credit, in the open market, *for what it may bring.*

"We are daily told, Mr. President, that our foreign relations wear a threatening aspect. I do not pretend to be intimately or extensively acquainted with those relations, nor have I ever made myself an alarmist respecting them; but this I do feel authorized to say, that there are causes for just uneasiness in more than one direction, and especially in our British relations. And is such the time we should select to offer the very standard of American credit for sale at auction in the markets of the world? Is such the period when we should make ourselves willing to put our bond upon change in the metropolis of that proud country, guaranteed by the credit and faith and honor of this Union, and make our supplicatory appeal to her bankers and brokers to give us a bid for it? I cannot think so."

A bill was introduced into congress, and passed both houses, requiring the several states to pass laws for

the election of members of congress by single districts. This bill Mr. Wright also opposed, not, as we understand him, on the ground that it was not desirable that there should be a uniform mode of election of representatives to the national legislature, nor that he was opposed to the division of each state into single congressional districts; but because, in his judgment, congress had no power to pass a law *commanding* the states to legislate on any given question. Mr. Wright's reasoning on this question is very ingenious. We shall give a compendium of his argument, digested by himself, affording as it does a fine specimen of the action of his clear logical mind:

"Passing the other arguments by which this novel enactment is attempted to be sustained, I wish to bring the senate, for one moment, to the consideration of the great interests—I may almost say, in a political sense, estates—involved in this action."

"The first, in the constitutional order, was the people of the respective states, to whom the right of electing representatives to the congress was expressly reserved.

"The second was the legislatures of the states, upon which the duty was devolved, in the absence of any action on the part of congress, to prescribe the regulations necessary to enable the people to exercise this great constitutional right.

"The third was congress, upon which a discretionary power was conferred to make these regulations, if the states did not, or to alter the regulations which the states might have made.

"The first (the people) have thus far enjoyed their great right under the regulations of the states—and that, too, without injury or complaint.

"The second (the states) have acted under the constitution, and performed the duty enjoined upon them, in a way to preserve the right of the people, and its practical and beneficial exercise.

"The third (congress) now comes in, and proposes, not to make regulations by its own action—not by its own action to alter the regulations which the states have made—but to prescribe certain rules by which the legislatures of the states shall alter their own regulations.

"Congress admits its want of power to compel the state legislatures to comply with its prescription, and alter their regulations to conform to it. And how does it propose to attempt coercion upon them? By abridging any of their powers or privileges? No; but by forfeiting this great right of the people of the state to elect representatives, if their legislature do not comply.

"Thus the fault is to be either in congress, or in the state legislature. The people can coerce neither; and yet the forfeiture for the fault is to be visited upon the only innocent party of the three—the people—who cannot make the regulations, and whose most essential right is to be forfeited if they are not made. Was such action, on the part of congress, constitutional, or wise, or expedient? To his mind, it was neither."

As, by the operation of the compromise law, the duties on imports were now reduced to twenty per cent., it was evident that a sufficient amount of revenue would not be produced to defray the current expenses of the government. The whigs then held a majority in the two houses of congress, and were extremely anxious to retain and render effective the law passed at the extra session, which provided for a distribution among the re-

spective states of the avails of the land sales. The distribution law, as it then stood, contained a proviso, if we recollect rightly, that whenever the expenses of the government should require that a higher duty should be levied on any imported article than twenty per cent., no distribution for land sold should be made. Two bills in relation to revenue were passed by congress, in one of which a clause was contained repealing the proviso attached to the land bill; and in the other the distribution was postponed, but not abandoned. The president vetoed both bills. This produced a necessity for congress to pass a new tariff law, having partly for its object an increase of revenue, which of course raised the duty on some articles much above twenty per cent.; and a bill for that purpose was introduced. A majority of the democratic members of congress, and nearly all the southern members, were warmly opposed to raising the tariff of duties.

When this bill came before the senate, Mr. Wright found himself extremely embarrassed; and his embarrassment was increased upon ascertaining the fact that on his single vote depended the question whether the bill should or should not become a law. On the one hand, nearly all his political friends were opposed to the bill, and besides, he really and conscientiously disapproved of many of its details: on the other, if, by his vote, he should prevent the passage of the bill, as the compromise act had, as was contended, expired, the nation would be left without a revenue: all the operations of the government would be interrupted, if not suspended; and the business of the country, particularly the manufacturing and commercial business, would be greatly deranged, if not prostrated. He therefore determined to vote for the

bill; but before voting, he delivered an elaborate and able speech, in which he explained his position, and the reasons which induced him to vote in the affirmative. The principal part of his speech, however, is occupied in pointing out defects in the system which the bill proposed to adopt. These defects, he hoped, would at no distant day be removed.

"The treasury," said Mr. Wright, "is empty; and almost daily the public creditors are turned away from it without payment. This very congress has increased, and is daily increasing, the public expenditures, and thus creating the necessity for increased revenues: and the public credit is not sinking, but sunken; so that loans, at high interest and at long time, cannot be negotiated at home or abroad, upon the declared reason that we have not revenues to meet the payment of the public liabilities. These changes of circumstances constituted, in his mind, the highest necessity for a revenue law, and forced upon him, under the most solemn sense of public duty, the course of action which he proposed to pursue. All he could ask of the friends who should differ from him, and believe him to be still in error, was, that they would believe him to be governed by pure motives; and if in error, to be honestly so. He owed it to those friends, as well as to himself, to make another remark; which was, that the consequences of his action, if evil, should be visited upon himself alone; as no friend, here or elsewhere, had interfered to bring him to the conclusion he had pronounced. Many very dear friends, whose judgments, upon almost all occasions, he valued more highly than his own, had kindly attempted to convince him that he was in error—not one to urge him to give the vote."

No act of his life endeared Mr. Wright so much to the whole people of New York, as the vote he gave on this occasion.

So high was his standing at the seat of the national government at this time, and so justly were his character and merits appreciated, that in 1842 the following article appeared in the Washington Globe, which furnishes so accurate and just a description of the man, that we cannot deny ourselves the pleasure of copying it, though there are things in it which might be more appropriately quoted at the close of this work, where we shall attempt to draw a portrait of this distinguished statesman.

"A leading man in the senate and of his party," says the *Globe*, "is Silas Wright. Few men have acquired distinguished reputation by such fair means. The estimation in which he is held by his fellows and by the nation, is due to substantial merit alone. He has won his way to the highest position, without early advantages of friends or fortune, and maintained it without any of those dazzling qualities which sometimes give a false glare to clever mediocrity. He has those provincial peculiarities of pronunciation and phraseology that characterize the plainer class of New Englanders, from which he has sprung. No man, merely looking at the senate, would designate Silas Wright as one of its chief ornaments; no one, seeing him rise, or hearing his first tones, could be made to believe that a distinguished orator was addressing that body. Yet no man commands greater attention in the senate, or is heard with greater acceptance and confidence by the people. What can be higher proof of merit than reputation achieved with so little extrinsic recommendation?

"Mr. Wright never discusses a subject without being thoroughly master of its principles and details. When he speaks, his arrangement, though natural, is so lucid, and his manner of communicating his ideas so clear and satisfactory, that he captivates all classes of hearers. The subject is so stripped of its difficulties, and presented in a form so striking, and yet so easy, that the listener is flattered by the facility with which he comprehends that which before appeared to him so intricate and involved. Commencing without pretension, the speaker, nevertheless, warms with his subject; and never o'erstepping the modesty of nature, he yet delivers himself with a persuasive earnestness, which gives an air of conviction to all that he utters.

"Mr. Wright never loses his temper, nor is ever betrayed into those indiscretions or extravagances so difficult to restrain in the ardor of debate. Let the gale blow ever so hard, the ship never refuses to obey her helm. On the contrary, the greater the violence of winds and waves, the more calm her course, the more steady her action. You cannot provoke Mr. Wright to an imprudent retort, nor decoy him into an indiscreet concession. He replies with the most hopeless tranquillity, or fixes his calm eye upon you with resistless penetration. He always knows what he is about, and detects, with the promptness of intuitive sagacity, the designs of others. He is so wary and provident, that he has been described as *cunning*—a term which is not rightly applied to that penetrating sagacity which may be exercised with entire fairness and perfect self-control, without which great and permanent success cannot be achieved in any of the pursuits of life. The scriptural precept inculcates the wisdom of the serpent,

combined with the innocence of the dove. True sagacity is practical wisdom; while cunning, its miserable substitute, in the end never fails to overreach itself.

"Mr. Wright does not speak frequently, nor ever for popular effect. He would not compromise, much less sacrifice, an important object for the greatest momentary triumph. He exerts himself to accomplish his purposes, not to win the applause of the gallery, or the hackneyed tributes of the parasitical purveyors for the press. He is a statesman, not an actor; a senator, not a performer.

"His character presents some singular points of contrast, to which it may not be amiss to call attention. Of humble origin, and the plainest early associations, he is yet a model of courtesy in debate, and of delicacy in legislative deportment; the most senatorial of senators; and his style of speaking is of that unostentatious dignity which was characterized as the *oratio togata*. Whatever others may prate of birth and fashion and refinement, the plain New Yorker is the most gentlemanly of senators. Indeed, so admirable is his public deportment, that the slightest disrespect shown to him would arouse general indignation in the body of which he is a member. When forced (which is rarely the case) into personal collision, he has given signal proof that his forbearance is the result of any thing rather than a want of proper spirit. He is endowed with that calm and self-sustaining courage, which is so much more respectable than that uneasy susceptibility which is always seeking or giving offence.

"Another curious opposition is to be found in his passion for finance, and yet pecuniary indifference. Figures of arithmetic have more charms for him than figures of

rhetoric. He revels in numbers, and has the art of arranging them in such form as to make them even attractive. As chairman of the committee on finance, the promptitude and clearness of his explanations elicited universal admiration. Few will forget the masterly manner in which he explained and vindicated from ignorant assaults the safety-fund system of New York,—a system which, whatever may be its defects, has preserved that state, in a great degree, from those financial calamities which have produced so much ruin elsewhere. Old Elwas, the miser, used to say he was fond of the speeches of Mr. Pitt, because they were so full of pounds, shillings, and pence. He would have heard those of Mr. Wright with equal gratification. Yet, like Mr. Pitt, the American financier manifests a disregard for money.

"It is curious to remark how different are the study and pursuit of wealth. The most skilful banker and successful merchant are often entirely ignorant of the principles of finance, or the laws of trade. Such were Dexter and Girard, and many others who might be cited. On the contrary, our country presents the remarkable instances of Hamilton and the elder Dallas, both accomplished financiers, and both alike neglectful of their personal interests. Although for a long time superintending the financial affairs of the great state of New York, and afterwards so conspicuously connected with the fiscal affairs of the general government, Mr. Wright has never endeavored to increase his little *peculium*. This consists chiefly of a small farm near the St. Lawrence, which is in a great degree cultivated by his own hands. There he may be seen plying the spade or wheeling the barrow in primitive simplicity. There is no ostentation of humility in this; for, without the slightest tincture of agra-

rian or anti-social notions, he is a republican of the simplest and straitest sect, not only in opinion, but in habits and feelings. He ‘mends his fences’ without talking about them, and is a farmer, without canting about agriculture in the senate. In this age of selfishness and of speculation, and unscrupulous thirst for wealth, it is refreshing to find an American statesman of the highest rank, who would have done honor to the early and uncorrupt days of the Roman republic.

“Again: although Mr. Wright is a wary and sagacious politician, he seems to have no projects or even desires of personal advancement. His ambition, if he have any, is for the success of his principles, his party, his friends. He seems to regard himself as an instrument, and a very able one he is, for others. Neither side ever suspects him of laboring for his own ends. It is indeed curious, that with such abilities and such reputation, he should be so entirely devoid of personal aspirations. His devotion to the late president was as unbounded as disinterested: and whatever may be thought of Mr. Van Buren by his opponents, it cannot be asserted that he did not return the attachment with fraternal warmth. If I have dwelt with such emphasis upon the character of the senator from New York, it is because its traits are as ample and attractive as they are rare in our day and generation. Who would not take pleasure in praising a man who seems utterly forgetful of self—whose public course has ever been as blameless as it is shining and elevated? There are men with more genius and more striking qualities than Silas Wright—none of more substantial talent and practical wisdom and virtuous character.”

While Mr. Wright was gathering these golden opin-

ions from all those who witnessed his action on that great theatre, the senate of the United States, he uniformly declined all invitations to attend meetings which were often projected for the purpose of affording a demonstration of personal regard for him. We notice, among many other invitations, all of which he declined to accept, that of James W. M'Keon and others, being a committee of the democratic young men of the city of New York, inviting him to accept a public dinner in that city, and his reply declining the invitation. That reply is so fine a specimen of unaffected modesty as to induce a wish that we had room to insert it. We can, however, only copy the following paragraphs:

"I find myself," says Mr. Wright, "compelled to ask to be excused from accepting the invitation to a public dinner. Various reasons, public and private, make this a duty. As reasons private and personal to myself, I find my health somewhat impaired, and my strength exhausted by the long and tedious confinement we have been compelled to undergo here, from the spring to the fall, in this warm climate; and never have I felt so strongly the necessity of mental repose. My private duties, too, are calling me to my home with unusual force, and forbid any delay upon my journey there, which an attention to those duties does not demand.

"A further private consideration with me for declining your invitation, as I have declined all similar ones coming from my democratic constituents, is the deep consciousness I cannot fail to feel that I have already received honors and advancements from them far beyond any to which my humble public services could of right have laid a claim; and that it is my plain duty rather to redouble my exertions to discharge the deep

debt of obligations now resting against me, than to appropriate to myself further honors, even though voluntarily and generously tendered, as in the case your letter presents."

He then proceeds to express, with great frankness, his views on the great questions which at that time agitated the public mind.

We have heretofore stated that some of the radical democrats at Albany, during the session of the legislature, seemed disinclined to favor the renomination of Mr. Bouck for governor, but previous to the meeting of the state convention, information from the country convinced every one that the public sentiment in his favor was too strong and too unanimous to be resisted. In the state convention, therefore, which assembled at Syracuse on the 7th of September, scarcely the semblance of opposition was perceptible. Mr. Wright was the favorite candidate of the radicals; but some time before the meeting of the convention, he forwarded from Washington to Judge Fine, who was a delegate from St. Lawrence county, a letter, of which the following is a copy, peremptorily declining to be a candidate for the office of governor in the convention, or before the people:

"WASHINGTON, 30th July, 1842.

"MY DEAR JUDGE :

"Your most acceptable favor of the 25th came to me this morning. I thank you for it, and most especially for your frank, practical, and friendly views as to myself so far as the office of governor is concerned. I have been repeatedly addressed upon that subject during our session by some of the best of our friends, and have in-

variably told them I could not be a candidate for that high office. Among the correspondents who have called upon me in relation to that office, is my old and faithful friend, Hoffman, and to him I gave a positive denial, and detailed fully the reasons upon which my determination rested. I rejoice to know that my good friends in our own county agree with me in the conclusion as to what is my duty upon this point. I cannot suppose, after the letters I have written, that any portion of our friends will think of using my name : but if that should be so, I would prefer that the delegates from our own county should possess the evidence, and be authorized to speak for me upon this point. I therefore say to you, *that I cannot be a candidate for the office of governor,* and wish you to pronounce this conclusion, if my name shall be proposed, as I hope and believe it will not be. My reasons for this determination would fill a long letter, though I believe they would satisfy any friend I have if I could give them ; but as I am at this moment suffering under the loss of a most favored and worthy sister, the news of whose death reached me by the mail of yesterday, I am sure you will excuse me from entering upon those reasons at this time, as well as from a present reply to the other portions of your letter.

“ Most truly yours,

“ SILAS WRIGHT, JR.

“ Hon. JOHN FINE.”

The following is the brief account given in the Albany Argus of the proceedings of the convention :

“ The convention was called to order by the Hon. John Fine of St. Lawrence, on whose motion the Hon. Nicoll Halsey of Tompkins was chosen president pro tem., and

Amasa J. Parker, of Delaware, and Horatio Ballard, of Cortland, secretaries.

"The committee appointed for that purpose reported the following as the officers of the convention, and they were chosen accordingly, viz:—President: Hon. John Fine of St. Lawrence.—Vice-Presidents: William B. Maclay, 1st district; John W. Lawrence, 2d; Martin Grover, 6th; Ambrose Salisbury, 7th; E. D. Efner, 8th.—Secretaries: H. H. Van Dyck, 3d district; William F. Allen, 5th.

"Proceeding to a nomination for governor and lieutenant-governor, the delegates, as the counties were respectively called, rose and openly nominated William C. Bouck and Daniel S. Dickinson; and they were nominated with entire unanimity, and by acclamation.

"An address and resolutions were adopted.

"The convention was eloquently addressed by the Hon. R. D. Davis of Dutchess: and all the proceedings were witnessed by a crowded and gratified auditory.

"The convention completed all their business, and adjourned in the afternoon.

"The utmost harmony and good feeling pervaded the convention; and an enthusiastic spirit is abroad that will be found irresistible."

Mr. Dickinson was a resident of Binghamton, in the county of Broome. He was favorably known formerly as an active and energetic member of the legislature, and as an ardent and efficient supporter of the New York and Erie Railroad. Thus it happened that the choice fell upon men intimately associated with two great interests:—Mr. Bouck, from his long and approved services, was a favorite of those more immediately interested in our canal policy, and Mr. Dickinson

had distinguished himself as the friend of the great southwestern railroad improvement. So far as these interests were concerned, the ticket was a strong one.

The whig state convention also met on the 7th of September. Charles H. Carroll, of Livingston, was chosen president, and there were eight vice-presidents and four secretaries appointed.

LUTHER BRADISH, the late lieutenant-governor, was nominated for the office of governor, and Gabriel Furman of Kings county, for that of lieutenant-governor. These nominations were made with great apparent unanimity. Certainly, so far as related to personal worth, both gentlemen were entitled to high consideration. Of Mr. Bradish we have frequently spoken; and as respects Mr. Furman, there are few men in the state who are more highly esteemed, and we may say beloved, by his friends and acquaintance.

Mr. Collier, the late comptroller, had been spoken of by many of his friends as a suitable candidate for governor, and the editor of the Evening Journal says the convention would have unanimously nominated him for lieutenant-governor had he not peremptorily declined being a candidate.

The convention nominated, with acclamation, HENRY CLAY for the next president, and recommended a whig national convention to assemble at Baltimore for the nomination of a *vice-president*, thereby indicating that public opinion had settled the question in relation to the whig candidate for the presidency.

The leading resolution, as respects the measures of the state, adopted by the convention, condemned in a manner the most spirited the state tax and a suspension of the public works. A resolution was also adopted ap-





James B. Bowditch

proving of the administration of Gov. Seward, and expressing the warmest gratitude for his services.

We observe that the veteran politician, Gen. Root, was in attendance as a delegate from the county of Delaware.

The candidates on both sides were now fairly in the field, and the campaign was opened with great vigor.

ALVAN STEWART, a distinguished opponent to slavery, was the abolition candidate for governor. Heretofore the abolitionists had not acted as a political party, so far as in all cases to hold up candidates of their own. The course they had pursued was to interrogate the candidates nominated by the respective parties, and those of them who voted at all cast their votes for such candidates as answered most satisfactorily to them. But at a general convention lately held, that party resolved to nominate candidates of their own in all the towns, counties, and districts where there were any abolitionists.

It may be proper here to remark, that Mr. John C. Spencer, shortly before the election, visited his friends in this state; that it was understood that he was in favor of the democratic nominees for governor and lieutenant-governor; and those in this state who claimed to be the friends of Mr. John Tyler generally voted with the democratic party.

The election resulted in the complete triumph of the democratic party in the state. There were 401,426 votes given for governor, of which William C. Bouck received 208,072, and Luther Bradish 186,091; thus leaving for Mr. Bouck a majority of more than twenty-one thousand. Mr. Stewart received 7,263 votes. The

democrats succeeded in all the senate districts, except the eighth, and elected ninety-three members of the assembly.

John A. Lott was elected from the first senatorial district, in the place of Gabriel Furman ; Abraham A. Deyo, from the second, in the place of Daniel Johnson ; John C. Wright, from the third, in the place of Alonzo C. Paige ; Thomas B. Mitchell and Sidney Lawrence, from the fourth, in the place of Bethuel Peck, and of John W. Taylor, resigned ; Carlos P. Scovil, from the fifth, in the place of Joseph Clark ; Calvin T. Chamberlain, from the sixth, in the place of Alvah Hunt ; John Porter, from the seventh, in the place of Robert Nicholas ; and Harvey Putnain, from the eighth, in the place of Henry Hawkins. Messrs. Hulbert from St. Lawrence, Hathaway from Chemung, McMurray and Jones from New York, and Leland from Steuben, were re-elected.

Among the most distinguished new members which were returned, was Willis Hall, late attorney-general, who was elected by the whigs of Albany, and Edward Sanford, son of the late Chancellor Sanford, who was chosen by the democrats of the city of New York.

NOTE.—After we had completed this chapter, we received from a gentleman from whom we had solicited information, a communication presenting his views of the proceedings of 1842. It is now too late, without great labor, to weave into this chapter the facts stated in the letter of our friend. But as the letter contains some interesting and important facts and suggestions not heretofore stated, we hope we shall be excused for inserting the whole of it. Its author was an active and efficient, though a young member of the assembly, during the year about which he writes, and is justly distinguished for his talents and private worth. It is proper to say, however, that he was and is a leader in that section of the democratic party we have denominated Hunkers, and therefore, although a gentleman of great candor and unquestionable veracity, may possibly, in some

instances, view persons and events through a prejudiced medium. It is proper to add, that we have ventured to publish this letter without consulting the author.

"The democratic party regained its ascendancy in the legislature of the state in the fall election of 1841. The senate was composed of 17 democrats and 15 whigs; the assembly of 95 democrats and 33 whigs. The assembly contained an unusual number of prominent men and experienced legislators. At that time I knew but little about the politics of the state, or of the relationship in which prominent men stood with respect to each other. Whatever private jealousies might have existed at that time, there was no defined or organized division in the democratic ranks. The party never stood upon stronger ground. The whigs were overthrown because they had lost the public confidence by their injudicious and extravagant policy. The only exhibition of partisan feeling in the democratic caucus was on the part of Mr. Flagg and others, in opposing the appointment of Mr. Beardsley to the office of attorney-general. This occasioned some feeling on the part of Mr. Beardsley's friends, as that gentleman was a member of the state cabinet with Mr. Flagg prior to 1837, and went out of office with him when the whigs obtained the political power of the state. No opposition was made to Mr. Flagg's reappointment; he was unanimously nominated in the democratic caucus on the first ballot. The following statement of the balloting for the other state officers shows there was no organized division in the democratic ranks,—such organizations usually reducing the number of candidates for each office to two:

*For Secretary of State.*

	1st ballot.	2d ballot.	3d ballot.
Samuel Young,	49	58	
Samuel W. Jones,	23	28	
Ebenezer Mack,	19	13	
John B. Skinner,	13	7	

*For Attorney-general.*

George P. Barker,	26	37	68
Samuel Beardsley,	23	18	2
Robert H. Morris,	22	34	35
A. J. Parker,	10	8	1
H. L. Hogeboom,	6	5	
F. G. Jewett,	8	4	
John B. Skinner,	10	• 1	

"Thomas Farrington was elected State Treasurer over three competitors, and Nathaniel Jones Surveyor-general, over six other candidates.

"The great measure of the session was Mr. Hoffman's bill in relation to the finances. The condition and policy of the state was discussed with great ability, principally by Mr. Hoffman, who was the leader of the house. The debates upon this subject will show the considerations which were involved in this discussion. Whatever obscurity there may be about the positions held by parties with regard to our internal improvements prior to this time, there was none at this session. The democratic members were in favor of stopping the public works, and of imposing a tax to restore the state credit. The whigs were opposed to both of these propositions. They believed that they would be so unpopular that another political revolution would be produced. When the vote was taken in the committee of the whole, Mr. Hunt, a whig member, moved to amend the bill by inserting a provision for appropriations for the unfinished canals, and also to strike out that portion of the bill which provided for the imposition of a tax. These amendments were supported by *all* the whigs, and opposed by *all* the democrats. These amendments were substantially renewed in the senate by a whig member, and were rejected there by a similar party vote. The final vote on the bill in both houses was of the same party character. To the democratic party, therefore, belongs the credit of maintaining at this crisis the faith of the state, and of setting an example worthy of her position to other and defaulting states, by boldly stopping expenditures and imposing a tax upon the people. At the time this was regarded as a hazardous measure, and too much credit cannot be awarded to Mr. Hoffman for the ability and courage manifested by him in its support.

"Messrs. Hoffman, Flagg, Young, and Dix were opposed to the renomination of Mr. Bonek at the state convention which was to assemble in the autumn of that year at Syracuse. This opposition was freely expressed in conversation during the session of the legislature. When the convention assembled at Syracuse, it was found there was a decided majority for Mr. Bonek. In the election of 1840, he had run ahead of his ticket, which circumstance undoubtedly contributed to his strength in the state convention. The published proceedings of that body throw but little light upon the position of parties, as an informal and private meeting of the delegates was held, at which every thing was determined. There were some of the delegates who were in favor of nominating Mr. Wright at that time."

## CHAPTER XII.

George R. Davis nominated and elected Speaker—Governor's Message—Gov. Bouck's Birth and Education—Lyman Sanford appointed Adjutant-general—Agitation of the Presidential Question at Washington—Proceedings on board the Brig Somers, and death of Mr. Philip Spencer—South Carolina Legislature nominate Mr. Calhoun for President—Character of the State Officers in 1823—Course of the Governor—Contest respecting State Printer—E. Croswell, H. H. Van Dyck—E. Croswell appointed State Printer—Albany Atlas—Mr. Wright re-elected United States Senator—Mr. Dickinson's Resolution in relation to the conduct of Gov. Bouck as Canal Commissioner—The distribution of the Books containing the result of the Geological Survey—Young and Dickinson—Bill for abolishing the Office of Bank Commissioner—Rejection by the Senate of nominations made by the Governor.

THE legislature assembled on the third day of January, 1843, and on the evening previous a caucus was held by the democratic members of the assembly, for the purpose of selecting the officers of that house. George R. Davis, of Rensselaer county, the same gentleman who in 1831 was chosen and officiated as speaker, was unanimously nominated for the same office in the caucus, and without a ballot; but in selecting a candidate for clerk, there appeared to be some difference of opinion. On the first ballot Henry N. Wales, of Albany, received 47 votes, which was not a majority of all the votes cast. On the second ballot William W. Dean, of Otsego, received 29 votes, and Mr. Wales 53, who was thereupon declared duly nominated.

The new governor began his message by declaring that he regarded the public welfare above all mere par-

ty considerations. "If I do not very much mistake," says the governor, "the feelings of the people, they desire repose from high party excitements, and exemption from those frequent changes in public measures that affect the business relations of the country; and I indulge the confident hope that the legislature will co-operate with me in acting upon the principle of placing the public welfare above all mere party considerations."

As respects the relations of the states with the general government, the governor denounces several of the late acts of congress as unconstitutional encroachments on the independence of the states. He says:

"Within the last two years, there have, in my judgment, been several unwarrantable assumptions of power on the part of the federal government. The right to collect money from the people in any form, for the purpose of distributing the same among the states, has not been delegated to the general government. So long as the whole revenue of the United States is required for the purpose of carrying on the operations of the government, it matters not what particular moneys are taken from the treasury for the purpose of distribution. Whether it be the proceeds of the sales of the public lands, or the same amount of money collected from imposts, or by direct taxation, it is nothing less than collecting money from the people, for the purpose of returning a portion of it to them in another form."

He also complains of the late law of congress requiring the legislature of each state to pass laws for the election of members of the United States house of representatives by single districts, and of the general bankrupt law. He intimates an opinion that that part of the last-mentioned statute which permits a bankrupt to be

discharged from his debts, without the consent of his creditors, is unconstitutional. While the governor, with respect to the subjects just alluded to, manifests a laudable and vigilant care for the preservation of the independence of the states, he acquiesces with philosophical resignation and tokens of approbation in the decision of the Supreme Court of the United States, that the law of this state which secured to the people of color who claimed the right guaranteed to the citizens of the United States, of trial by a jury of the country, when their personal liberty, and indeed the right to their own persons were drawn in question, was *unconstitutional* and void. The governor therefore recommends the repeal of all the laws of this state which afford to the negro *claimed* to be a fugitive from service, any opportunity of defending himself in this state against such claim.

On the subject of the joint resolution, proposed by Mr. Strong, which Governor Seward refused to forward to the executive of Virginia, as related in the last chapter, Mr. Bouck says :

"The federal constitution has also provided, that 'a person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.' At the last session of the legislature, a concurrent resolution was adopted by the two houses, declaring 'that in the opinion of this legislature, stealing a slave within the jurisdiction and against the laws of Virginia, is a crime within the meaning of the second section of the fourth article of the constitution of the United States.' I deem it proper to say, that this resolution fully accords with

my own judgment. Although such an act may not be forbidden by our laws, the stealing of a slave has been declared to be a crime in other states; and if a transgressor of their criminal laws flee within our jurisdiction, we are bound by compact not to screen him."

With respect to internal improvements, the governor said :

"I recommend to your careful and attentive consideration the subject of internal improvements by roads and canals, which are eminently calculated to aid the enterprise and promote the welfare of the people. There are few subjects in which our citizens feel a deeper interest, or that are more intimately connected with the character and prosperity of the state. But in making this suggestion, I must not be understood as recommending extravagant expenditures, or ill-advised undertakings. The system should have for its object the general welfare, and as far as may be practicable, should be based on an equal distribution of the means of the state for such purposes."

He states that the loans by the state to railroad companies amounted to \$5,235,700. He informed the legislature that the New York and Erie Railroad company, to whom the state had loaned three millions of dollars, and the Ithaca and Owego and Canajoharie and Catskill companies, had failed to pay the interest on their loans from the state; that in consequence of this default "the two latter had been sold at auction, and that the sale of the former was postponed till the first Tuesday of May then next."

The governor rather timidly indicated, that in his judgment a less stringent course should be pursued in regard to canal expenditures, especially in completing

the works already commenced, than was authorized by the financial act of 1842. He says:

"I am convinced that the completion of the unfinished work at the Schoharie creek, at Spraker's, at Canajoharie, Fort Plain, the Indian Castle creek, at Syracuse, the work connected with the reduction of the Jordan level, at Macedon, and at Lockport, would be essentially useful, and some of it may be indispensably necessary.

"The speedy completion of the Black River Canal and feeder to and including the summit level, and the Genesee Valley Canal, as far as the first feeder from the Genesee river south of Portage, is doubtless anxiously desired by the friends of these improvements. I do not feel that I should faithfully discharge my duty did I not recommend for your careful consideration these portions of the public works. This should of course be done with strict reference to the financial condition of the state.

"The present low prices of labor and provisions are highly favorable to a successful prosecution of the works now under contract, and they should be resumed as soon as a just regard to the public welfare will permit. But great caution should be observed in increasing the state debt, already too large. That the state has the ability eventually to complete all her works which have been commenced, cannot, in my opinion, be questioned."

The governor states the public debt, exclusive of the available means in the hands of the commissioners of the canal fund, to be \$23,330,083.15. He also states that "the revenue for the year ending the 30th September last, has been materially affected by a reduction in

canal tolls, and in the auction and salt duties, as compared with the preceding year.

"The tolls are less by	- - -	\$192,968	86
"The auction duties are less by		6,417	59
"The salt duties	"      "	15,472	35
<hr/>			\$214,858 80

"How these essential items of revenue are to be affected by the business of the current year, it is impossible now to say. If the general prosperity of the country should assume a more favorable aspect, as I trust it will, it would favorably affect these items of revenue. It is not probable that the receipts from these sources will be diminished."

The event showed that he was not mistaken in the opinion that the receipts from these sources would not "be diminished" during the coming year. They were considerably increased.

The governor states that the Supreme Court, and more especially the Court of Chancery, are overloaded with business; that the labors required to be performed by the judges of these courts are greater than it is possible to execute; that an increase of force is absolutely necessary; and that if an adequate remedy cannot be provided by law, an amendment to the constitution ought to be proposed, which would accomplish an object so desirable and in fact indispensably necessary.

Towards the close of his message he gives in a condensed form some interesting statistics, showing the agricultural, commercial, and manufacturing condition and resources of the state. He says:

"It appears by the last census, that the population of the United States amounts to 17,068,666, of which the

state of New York has 2,428,917, equal to more than one-eighth of the whole population.

“The number of bushels of grain raised is 615,525,302, of which this state has 51,721,827, equal to nearly one-twelfth part of the whole.

“The number of heads of live-stock is 74,264,322, of which this state has 10,128,042, equal to about one-seventh part.

“The number of pounds of wool produced is 35,802,114, of which this state is entitled to 9,845,295, equal to one-fourth.

“The number of commercial houses engaged in the foreign trade is 1,108, of which there are in this state 469, equal to something less than one-half.

“The capital invested in foreign trade is \$119,295,367, of which there belongs to this state \$49,583,001, equal to nearly one-half.

“There are 4,005 woollen manufactories of all kinds, of which there are in this state 1,213, equal to more than one-fourth.

“The aggregate value of woollen goods manufactured is estimated at \$20,696,999, of which this state has \$3,537,337, equal to about one-sixth part.

“In the manufacture of woollen there are 21,343 persons employed, and in this state 4,336, equal to one-fifth.

“The capital employed is \$15,765,124, and in this state \$3,469,349, equal to more than one-fifth.

“The value of cotton-manufactured articles is estimated at \$46,350,453, and in this state at \$3,640,237, equal to about one-thirteenth part.

“The number of persons employed in the cotton manufactories is estimated at 72,192, and in this state at 7,407, equal to about one-tenth.

"The capital employed is estimated at \$51,102,359, of which this state has \$4,900,772, equal to about one-tenth."

The message, as a whole, is a good one. It presents clearly and with great plainness, the condition and resources of the state, and invites the attention of the legislature to such measures as the public interest seemed to require. It makes no attempt at display: its author does not appear to make any effort to divert the attention of the legislature from the real and substantial interest of the community to himself. It has another merit, and that is its brevity. So multifarious are the concerns of this great state, that, bating a few paragraphs in the first part of the address, which seem rather calculated for the edification of the people who reside in a latitude south of the state of New York than of those who reside in it, it was not possible to make it more brief.

WILLIAM C. BOECK is a native of the county of Schoharie. His father was an industrious and respectable farmer, living on the banks of the Schoharie creek. The family were of German origin, and Gov. Bouck was brought up on his father's farm, and accustomed to manual labor. He had received a good English education, but never had an opportunity of acquiring much classical learning. The counties of Schoharie and Otsego are emphatically interior and isolated counties, and their inhabitants, especially the agricultural part of them, have little intercourse with the rest of the world, or indeed of the state of New York. This was the condition of Mr. Bouck when he became of age. But his native intellectual powers and his active mind soon attracted the attention of his neighbors and fellow-citizens, and he was, while yet young, appointed sheriff of the county of

Schoharie. The discharge of the duties of that office soon made him known throughout the county, and wherever he was known he was esteemed and respected. When his term of office as sheriff expired, he was elected a member of the assembly of this state, and in 1817 he was chosen one of the senators from what was then called the middle district. As his acquaintance extended, his reputation for capacity and integrity increased, and in 1821 he was appointed by the legislature canal commissioner, an office the duties of which he for many years discharged with great fidelity, and in a manner creditable to himself and beneficial and satisfactory to the community. His conduct as canal commissioner had secured him many ardent and zealous friends, consisting mainly of those who had transacted business with him in his official capacity; and to the number and influence of those friends he was undoubtedly greatly indebted for his nomination and election as governor. Mr. Bouck was the first and only governor of this state who had not been bred a lawyer,—he being a practical farmer.

That Mr. Bouck possesses a large share of good sense, prudence, and discretion, is evident to all who are acquainted with him. Indeed, a moment's reflection will convince any person that a man brought up in an interior county, in a secluded neighborhood, without the benefit of a liberal education, or in fact much reading, who should for thirty years, without the aid of powerful friends and relatives, continue to rise from one grade to another, until, by the voluntary suffrages of his fellow-citizens, he should become governor of a state containing nearly three millions of people, must not only have been master of an excellent address, but have possessed great native mental power.

But when Mr. Bouck reflected that he then was placed in a seat which had been occupied by George Clinton, John Jay, De Witt Clinton, Martin Van Buren, William L. Marcy, and others, the most accomplished scholars, jurists, and statesmen which the country has produced, and considered his own want of literary attainments and legal knowledge, a circumstance to which he modestly alludes in the message we have been reviewing, there can be no doubt he felt some embarrassment, and that that embarrassment produced a corresponding degree of timidity and diffidence. That timidity must have been increased when he reflected that there were several men around him, distinguished members of his own political party, who were critically watching all his movements, and who, if they had not opposed, had certainly viewed with coldness, his nomination by a majority of the democratic party. If he had any jealousy in his nature—if he was in the least constitutionally suspicious—the situation in which he was placed was calculated to call into action that jealousy and awaken suspicion. There was another circumstance which must have rendered his position unpleasant. We have stated that many of his most zealous friends resided on the borders of the Erie, and we may add on the Genesee Valley and Black River canals. A large portion of those friends were dissatisfied with the total suspension of the public works, and they hoped, and probably had reason to hope, that if Mr. Bouck was elected governor, those works would be partially resumed. He knew that a large majority of the democratic party were opposed to such resumption. But could he entirely thwart the expectations of his warmest and most devoted friends, with whose wishes undoubtedly the bias of his own mind ac-

corded? An attentive and sagacious reader of his first message cannot fail of perceiving that in writing this message these conflicting claims upon his official action pressed upon his mind with deep and anxious solicitude.

In concluding our remarks on Gov. Bouck, it is incumbent on us to mention one other trait in his character—a trait highly estimable in that of private citizens, and not less commendable, though it is to be feared more rare in men possessing power and patronage; we mean fidelity to a friend. We do not believe that man ever lived to whom Gov. Bouck professed a friendship which he did not feel. He, it is true, may have held out encouragements to friends of advancements and patronage, which the want of power, or a stern political necessity prevented him from bestowing, but never did he, in our judgment, misrepresent his real intentions and feelings.

We have dwelt longer on the position of Gov. Bouck, when he commenced his administration, than we otherwise should have done, did we not believe that it had a material effect in producing the schism which soon after occurred in the democratic party.

The whigs were fully aware of all this, and as they approved of that policy which they believed Mr. Bouck was inclined to adopt, rather than that of the radicals, their attacks upon him were less severe, and some of them seemed inclined to pursue towards him a conciliatory course. Hence the movements of Gen. Root in the senate, soon after the commencement of the session, indicated more of a friendly than a hostile intent.

Immediately on his accession to office, the governor appointed Lyman Sanford, of Schoharie county, adjutant-general, and David Hamilton, of Albany county,

William H. Brown, of Queens county, and J. W. Nelson, (son of Judge Nelson,) of Otsego county, his aids. G. W. Bouck, a very worthy young man, (son of the governor,) was appointed military secretary.

The only office worthy of the name of office, and to which a salary is attached, which the constitution of 1821 left at the sole disposal of the governor, was that of adjutant-general. The aids and military secretary are merely nominal and complimentary appointments.

All the details of the duty of the governor as commander-in-chief of the militia, and all his correspondence on the subject of the militia, are performed and carried on by the adjutant-general. He is also supposed to be, and generally is, the confidential executive officer and friend of the governor.

The appointment of aids and military secretary was undoubtedly judicious, and was well received, but considerable discontent was felt in relation to the selection of the person whom the governor had chosen for adjutant-general.

Mr. Sanford was a respectable lawyer and citizen of Schoharie, but he was the son-in-law of Mr. Bouck, and there were many influential and powerful applicants for the office, and who, of course, were chagrined at their disappointment. Among others, Mr. Sherwood, of Sandy Hill, a young man already distinguished for his talents as a writer, and his activity and efficiency as a politician, was earnestly pressed on the governor as the most suitable candidate for the office; and the appointment of Mr. Sanford in preference to him, produced dissatisfaction. The governor, however, gave out that Mr. Sanford would not consent to hold the office long, (as in fact he did not,) and that his appointment was

temporary. It is due to Mr. Sherwood to say, that he afterwards, as a member of the assembly, in time of need, came ardently and efficiently to the support of Gov. Bouck and his measures. But of this we shall speak more hereafter.

When congress convened in December, 1842, the question, who should be nominated by the democratic party for president, was thus early agitated, and although at that time there was undoubtedly a majority, and probably a large majority, in favor of Mr. Van Buren, there was a manifestation of some opposition to him, and the names of other candidates were mentioned.

On the 7th of January of this year, a very numerous meeting was held in the city of Philadelphia, of persons friendly "to the nomination of Martin Van Buren for the presidency," of which Henry Horn was chosen president. A committee in behalf of the meeting had previously invited the attendance of a number of distinguished gentlemen from abroad, among whom were Col. Benton, of Missouri, and Silas Wright, of this state. To this invitation Col. Benton and Mr. Wright replied, declining the invitation.

The reason assigned by Mr. Wright for declining to attend the meeting, was one which only a delicate and sensitive mind can fully appreciate. He thought it wrong for him to attend meetings of the republicans of states other than his own, and to make efforts to force the preference of the democrats of New York upon those of other states. The letter which on this occasion he addressed to the Philadelphia committee evinces such a devotion to the democratic cause, and such pure and disinterested friendship towards Mr. Van Buren, that we take leave to present it entire to our readers :

" WASHINGTON, Jan. 2d, 1843.

" **GENTLEMEN** :—I have your favor inviting me, on behalf of the democratic citizens of the city and county of Philadelphia, who are friendly to the selection by a national convention of Martin Van Buren as the democratic candidate for the next presidential term, to meet them on Saturday evening next, to celebrate the anniversary of the battle of New Orleans.

" My well-known attachment to, and confidence in, Mr. Van Buren, both as a citizen and a statesman, must satisfy you, and those for whom you act, that I could not but take pleasure in meeting political friends of a sister state who appreciate him as I do; nor can it be necessary for me to say that I entertain the same preference on the subject of the next democratic nomination for the presidency which is expressed in your letter.

" It is true that Mr. Van Buren has once held this high office: and it is as true, as I believe, that while in the service of his country and his political party, in that elevated situation, he was stricken down by his political opponents solely because he adhered, with a devotion above selfish considerations, to the most cherished and vital principles of that party. This I believe to be, at this day, the deep and settled conviction of the great body of the democracy of the country. If, then, the great principles which were wounded by the blows aimed at him, and which were arrested by his fall, are again to be revived and put in practice by the democracy; if the sound and safe policy which he was pursuing in the government of the country, and which was overcome in his defeat, is again to be adopted, and to constitute the policy of the next democratic administration, it seems to

me as politic as just, that with the principles and the policy, the faithful public servant who fell in their defence, should also be taken from under the feet of the common enemy to both, and be permitted to triumph with them.

"As a mere consideration connected with Mr. Van Buren personally, this is a very small matter, however sensibly his immediate personal friends or himself may feel it; as the political fate and fortune of any one man, in this wide country, must be a very small matter in itself considered; but to the integrity and strength, and permanent ascendancy of the great democratic party, it presents itself to my mind with enlarged importance. It may be to determine whether he, who, bearing in his hands the highest political trust of that party, shall wisely, and firmly, and patriotically adhere to its dearest principles, and fall in their defence, is to be raised again with the returning power of the party, or is to be left wounded upon the field, after the enemy is driven back. It may be to present to the minds of all future republican presidents the question, whether they shall practise fidelity to the party and its principles, at the hazard of their station, with a safe reliance upon its justice when it shall have the power, or, whether they shall yield before a powerful political counter-current, and save their places rather than their principles."

In the latter clause of the last sentence the action of the Baltimore convention in 1844, seems to be dimly shadowed forth. Mr. Wright proceeds:

"In making these remarks, I am sure I shall not be suspected of a design to disparage any of the distinguished competitors of Mr. Van Buren for this high distinction. With all of those gentlemen, so far as I know

who they are, my relations, personal and political, are entirely friendly ; and if I know myself, I would not do towards either of them an act of injury or injustice. They have all fearlessly and ably sustained Mr. Van Buren as president, the principles and policy of his administration, and himself as a candidate for re-election. If no higher motive impelled me, my appreciation of him as a statesman and a man would entitle them to my gratitude for these public acts.

" If, then, I shall seem to interfere with their claims upon the country and our party, in this expression of my preferences for him, I can only reply, that the friend who *seems* to me to have received the *deepest* wounds in the common cause, is the one who commands my *first* attention ; and, believing that friend equal to the others, both in power and disposition to sustain our common principles and serve our common country, he is my preference.

" If, in all this, personal attachments, more than patriotic considerations, have controlled my choice, I am sure I may be permitted to say, that I am not aware of the fact, as I do not know that I am, or ever have been, indebted to Mr. Van Buren beyond the obligations which his personal and political friendship have imposed : and those obligations, whatever they may be, have had no apparent existence on his part, in all our personal and political acquaintance.

" I am, however, gentlemen, protracting my remarks upon this point altogether beyond my intention, and perhaps subjecting myself at least to the suspicion of that influence I seek to avoid ; I will conclude, therefore, by saying, I have not a doubt that, in pronouncing my own preference as to this nomination, I speak the feelings of

the great mass of the democracy of my state. So far as my information enables me to form an opinion, that is so. Still I should not feel at liberty to attend meetings of the republicans of other states, to attempt, by any efforts of mine, to force the preferences of the republicans of New York upon them, so far as a nomination to office is concerned, and when those preferences are in favor of a fellow-citizen of the state, and subject to the suspicion of local or personal partialities.

"In so far as your meeting has for its object the celebration of an anniversary among the proudest in our nation's history, it would afford me the highest pleasure to unite with you; but I am sure you, and those for whom you act, will accord to me a better discharge of my duty if I remain at my place here, and urge my humble efforts to refund to him whose conduct and courage gave the anniversary to his country, the fine imposed upon him for the act.

"I am, gentlemen, with great respect,

"Your fellow-citizen,

"SILAS WRIGHT, JR.

"To the Committee," &c.

In examining the files of newspapers published during the month of January, our attention has been arrested by an event which took place on board the brig-of-war Somers, on the first day of the preceding month. On that day Mr. Philip Spencer, aged 19 years, belonging to one of the most distinguished families in the state of New York, together with two other persons, Cromwell and Small, ere executed on board the Somers for an alleged charge of mutiny. The transaction, we are aware, does not strictly belong to the political history of

New York, but as the case presents some extraordinary features, and excited deeply, at the time, the profound sympathy and most intense feeling of this whole community, we hope we may be excused for noticing it. We do not propose to give the history of the case ; that has been written by James Fennimore Cooper, in a work entitled, "Proceedings of the Naval Court-Martial in the case of Alexander Slidell Mackenzie," to which the reader is referred.

We will, however, state briefly, that the Somers sailed from the African coast on the 11th of November, 1842, under the command of Mr. Mackenzie, for the United States, by the way of St. Thomas. On the 26th day of November, and while on the passage, Lieut. Gansevoort communicated to Commander Mackenzie what he supposed to be a mutinous plot, contrived by young Spencer, to obtain by force the control of the vessel, and, of course, to subdue or kill all such as opposed the execution of the project. On the same evening, Spencer was arrested and put in irons ; and on the following day, Samuel Cromwell, boatswain's mate, and Elisha Small, seaman, were also seized and put in irons. We extract from the Madisonian, a Washington paper, the following summary statement of what followed :

" That no disorder of a mutinous character appeared among the crew for the four succeeding days : that the vessel was going with good breezes and in good weather towards the island of St. Thomas, where she actually arrived and took in supplies on some day between the 1st and 5th of December.

" That on the 30th of November, the opinion of the officers was required by Commander Mackenzie as to the disposition of the prisoners : that they appear to

have examined thirteen seamen as witnesses to prove the alleged mutiny, (and who are therefore supposed innocent of any participation in it,) which examination was had, so far as the papers show, in the absence of the prisoners, and without giving them any opportunity to cross-examine the witnesses, or to make any explanations or defence, or to procure any testimony in their own behalf. These officers, without even the form of a court, without the obligation of an oath, and upon this ex parte secret information, united in the opinion that the safety of the vessel required that the prisoners should be put to death! How far this recommendation was influenced by the acts or the fears of Mr. Mackenzie, does not appear.

"That on the 1st of December, when every thing and person on board the vessel were perfectly quiet, after four days of entire security, the three persons were, by the order of Mackenzie, hung at the yard-arm at mid-day."

Mackenzie was afterwards tried by a court-martial, which convened in the city of New York, and acquitted. How the court could have arrived at such a conclusion is to us really surprising.

We have, some time ago, read over the evidence given by Mr. Mackenzie on the trial. There was, it is true, some testimony given by one Wales, a suspicious witness, which, if true, proved an *intention* on the part of Spencer to mutinize; but against one of the others who was executed, there was not a particle of evidence even of an intended mutiny. It is very probable that Spencer, then not nineteen years old, may have formed some boyish and visionary notions of getting the control of the ship; and it is not unlikely that some three or four of

his companions may have agreed to join him in the enterprise; but with the exception of the deposition of Wales, already alluded to, there was not another word of testimony against any of the three unfortunate persons whose lives were taken, which could have been given in evidence against them in any court of justice in England or America. There was not even a pretence that any overt act of mutiny had been committed. Mackenzie, in his communication to the navy department, does indeed say that Cromwell "*looked*" very resolute and determined. The accused, on a question of life and death, were not permitted to see their accusers, or cross-examine the witnesses who testified against them! There was no legal court-martial; and even had there been, the laws of congress forbid the taking of human life by the sentence of a court-martial before which all the parties are heard, without the sanction of the president of the United States, or if without the United States, of the commander of the *fleet* or *squadron*.

The excuse of Mackenzie was a pretence that there was reason to believe the mutiny would have been successfully executed before they could get into port, and that the slaughter of these men was done in self-defence. The excuse is absurd and ridiculous. When the execution took place, they were within two days' sail of St. Thomas, and they actually arrived there a day or two afterwards. With the then pretended ringleaders in irons, and all communication between them and the crew prohibited, how could Mackenzie have the face to say, that he had not sufficient influence over his men to get the ship into port, when he had sufficient control over them to induce them, at his bidding, to hang three of their comrades? There is no escape from the conclu-

sion, that it was a cowardly act of homicide, perpetrated under color of military authority. Posterity will so regard it, and history ought so to record it.

Mr. Mackenzie, in his communication to the secretary of the navy, giving an account of this transaction, has the unparalleled effrontery to say :

"If I shall be deemed by the navy department to have any merit in preserving the Somers from those treasonable toils by which she had been surrounded, since and before her departure from the United States, I respectfully request that it may accrue, without reservation, to the benefit of *Nephew O. H. Perry*, now clerk on board the Somers, and that his name may be placed on the register, in the number left vacant by the treason of Mr. Spencer."

While speaking of occurrences which happened in the United States, other than in the state of New York, it may be proper to notice that the legislature of South Carolina, in the month of December, nominated Mr. Calhoun as a candidate for the next president. In their preamble they say "they look forward with sanguine expectation to the triumph of the democratic party; but they believe it is essential to the ensuing, as it is to the value of such a triumph, that the candidate of the party should be clearly identified with the principles to which they stand so distinctly pledged, and should, if elected, rest his administration of the government upon the broad basis of '*Free Trade—Low Duties—No Debt—No connection with Banks—Economy—Retrenchment—and a strict adherence to the Constitution;*'" and they, therefore,

"Resolved, by the senate and house of representatives, in general assembly met, That in consideration of

the long and faithful services, the unsullied private honor, the political integrity, distinguished abilities, fearless virtue, and sound constitutional principles of their fellow-citizen, JOHN CALDWELL CALHOUN, they do hereby nominate and recommend him to the American people for election to the office of president of the United States."

It is by no means improbable that this movement in the legislature of South Carolina at that early day, had some agency in influencing the result of the Baltimore Convention in 1841.

No material alterations were made in the New York legislature, as respects the committees of the two houses, except those caused by the election of new members, in lieu of those of last year. Mr. Hoffman not having been a candidate, and of course not having been re-elected, Mr. Allen of Oswego was appointed to supply his place as chairman of the committee of ways and means in the assembly.

The state officers,—consisting of Samuel Young, secretary of state; A. C. Flagg, comptroller; George P. Barker, attorney-general; Thomas Farrington, treasurer; and Mr. Jones, the surveyor-general,—were all of them radical in their political views, and warmly in favor of the financial act of 1842. Besides, as we have before remarked, if not opposed to the nomination of Mr. Bouck, they at least acquiesced in it with coldness and some reluctance. From their standing and talents they possessed great influence in the legislature, and over the minds of the masses of the democratic party. Of Col. Young, we need not speak; he had been long known and acknowledged as a man of pre-eminent talents and strict integrity. Of the traits in his charac-

ter, which impaired his influence in public life, we have spoken in another place.

Of Mr. Flagg, too, we have spoken in a preceding volume of this work. To his superior talents as a financier, and his conceded fidelity and honesty as a public officer, were added great native sagacity and shrewdness, a knowledge of the human heart which would seldom render him liable to deception by false pretences, however plausible, great industry, and indomitable perseverance in carrying into effect his views. These qualities had been ripened and improved by long experience in public life, and an extensive acquaintance throughout the state, and more especially with the efficient men belonging to the political party to which he was attached. An able correspondent, who for several years was a distinguished member of the legislature, and who belongs to the hunker section of the democratic party, in a letter recently written, speaks thus of Mr. Flagg:

"The simplicity of his habits, his devotion to the duties of his office, and the fact that he has not acquired wealth in his official station, give him the confidence of the public. These qualities render him an able party leader, and he was unquestionably the ablest man of the interest [the radical interest] to which he was attached. He rallied his friends after their defeat, and he always constituted the strong point of that section, and gave it the principal portion of the public confidence that it ever enjoyed. He entered deeply into the controversies of the democratic party, and in exercising the power of appointment as a member of the canal board, he was never disposed to compromise or conciliate."

Of GEORGE P. BARKER, the same correspondent says: "He was an eloquent and brilliant man. He was of an

impulsive temperament, and possessed very popular manners. His disposition was too ductile and yielding for consistency or firmness." To this we can add, that his "impulses" were always of the most kind and generous character. His heart overflowed with benevolence to all men, and he was beloved by all. Alas! he has now gone to the grave. We do not believe the man is now living who will acknowledge himself to have been personally unfriendly to George P. Barker.

Mr. Farrington was mild and conciliatory in his disposition and deportment. He possessed a well-cultivated mind and respectable talents.

We have little personal knowledge of the surveyor-general, Mr. Jones, but all we do know of him is favorable to his head and heart.

With men of such talent, weight of character, and political influence, comprising in theory a part of the state administration, who looked upon him with coldness, the situation of Mr. Bouck may well be considered as having been any thing but that of ease and quiet.

The state officers, as we are assured by a gentleman intimate with them all, doubted whether the governor really and cordially approved of Mr. Hoffman's act of 1842; and his message on that subject was not satisfactory to them, nor, as our correspondent says, to those "who, in 1840, '41, and '42, had occupied the front of the battle against the continuation of expenditures for the extension of internal improvements, but," he adds, "they remained inactive."

By some means it came to be understood, at the very commencement of Mr. Bouck's administration, that a portion of the democratic party were opposed to him. This portion was understood as acting under the advisement of

the state officers. Whether such was the fact, we do not know; but we do know it was so reported, and we have reason to believe that Gov. Bouck gave some credit to the rumor. No doubt some of the applicants for office encouraged this notion, and were careful to represent themselves as friends to the governor *par excellence*. If this disaffection was at first ideal, it soon became real, and began to be recognised. The governor, however, attempted to conciliate: and with that view generally made his appointments from candidates recommended by county conventions, or by members of the legislature from the respective counties where the applicants resided. By adopting this course, he appointed nearly or perhaps quite as many of those who were called his opponents as of those who were known to be his friends. In this way the governor surrendered to irresponsible county conventions, and to members of the legislature, that patronage with which the constitution had invested him. He nevertheless was held responsible by his friends for appointing those they called his enemies.

We have never known this temporizing policy pursued with success. We like much better the course which our correspondent says Mr. Flagg pursued in the canal board. The governor should either in all his conversations and intercourse have repudiated the insinuations that the state officers and their friends were opposed to him, and waged war against the men who persisted in asserting that such was the fact; or he should have declared war against the state officers, and wielded his patronage accordingly. With such veteran political partisans he should have seen no middle course could be taken. We hope our readers will bear in mind that we now speak of *party policy* only.

But the controversy which grew out of the appointment of a state printer as the successor of Mr. Weed, whom it was determined to remove,\* produced the sharpest collisions, and probably had more effect in creating and perpetuating the difference between the two sections of the democratic party, and attracted more the attention of the legislature and of the public, than any other occurrence, during the year 1843.

Mr. Edwin Croswell, who was regularly educated to the printing business in Cattskill, had been printer to the state since the year 1823. He was removed by the whigs in 1840, and Mr. Thurlow Weed appointed in his place. Of Mr. Croswell's talents as an editor, of his skill as a political tactician, and of his fidelity as the organ of the party, whose objects and doctrines his paper professed to support, we have spoken in a preceding volume;† to which we will only add, that seven years' subsequent attention to his course as an editor of a political paper, has only served to convince us of the truth of what we then said of him. We will not retract a single word from the remarks we then made: on the contrary, we think he has developed new powers, and earned additional laurels, as a member of the editorial corps, and as a profound and skilful political and party manager. Some dozen or fourteen years before the period of which we are now writing, he had connected with him in his business the son of his uncle, the Rev. Henry Croswell, now of New Haven, and formerly the celebrated editor of the "Balance," printed at Hudson,

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\* Solely for party reasons.

† See 2 Political History, pp. 121, 122.

and afterwards of the "Balance and New York Journal," printed at Albany.

In the year 1839 or 1840, the elder and younger Croswells had taken in connection with them in business, and in conducting the Albany Argus, Mr. Henry H. Van Dyck, who, after having for some time published and conducted a democratic paper in the county of Orange, was elected in 1836 to the senate of this state, and in that capacity had acquired a standing, highly respectable in the political party to which he belonged, and with the New York public in general.

The people of the state of New York, and particularly those of them who belong to the democratic party, are partial to a rotation in office. They believe that no one citizen to the exclusion of others ought for any considerable time to enjoy the emoluments of office. Perhaps their notions in this respect are carried too far, and that in their zeal for an equal distribution of the honors and emoluments of office, they do not sufficiently consider that the office is created for the benefit of the public, and not for that of the incumbent. However this may be, it is certain that as soon as it was ascertained that the democratic party possessed the power of displacing Mr. Weed, it was made a subject of general remark that Mr. Croswell had received more than his share of the public patronage, and that the state printing ought to be given to some other person. Rumors also were afloat that Mr. Croswell had accumulated great wealth, the magnitude of which no doubt was exaggerated, by means of the patronage bestowed on him by the democratic party; and these rumors led the minds of many to the conclusion that he ought in future to be excluded from the public crib, and that some

other person, equally talented and deserving, should be substituted in his place; but we are not aware that any specific charge was made against him, either as a public officer or as a party editor.

The state officers were in favor of a change of the state printer; for what particular reason, other than the one we have just mentioned, we are not informed. Mr. Croswell had, if we rightly recollect, supported the act of 1842, in good faith and with his usual ability, and Mr. Flagg had been on terms of intimacy with him, and had for a year or two been jointly with him editor of the *ROUGH HEWER*, a radical weekly paper, published in connection with the *Daily Argus*.

It might have been more judicious in Mr. Croswell, and better for him—certainly it would have been more for his peace and quiet—had he yielded to the public sentiment in favor of rotation in office, and of “new men,” (out of which he afterwards made so much,) and, as Mr. Weed has since done under circumstances somewhat similar, determined, and publicly declared his determination, to surrender all claims to the state printing: but, as he did not choose to do so, it seemed to us at the time, and we still think that the state officers, as a matter of policy, were injudicious in waging a war against him. They did, however, oppose his re-appointment, and in that opposition they were joined by the greater part of the radical members of the legislature. This course threw Mr. Croswell among those who were understood to be more particularly friendly to Gov. Bonck, and more liberally inclined to encourage expenditures for internal improvements, and who were afterwards, or about that time, denominated hunkers.

Mr. Van Dyck was announced as the candidate in opposition to Mr. Croswell. He had been for some time previous a partner with the two Croswells, and had continued in the *Argus* establishment until the legislature convened, in perfect friendship with them. In his letter which he published after he gave up the contest, he stated, that when he agreed to take an interest in the *Argus* there was an honorable understanding between him and Mr. Croswell, that when it should be in the power of the democratic party to appoint a state printer, he was to have the support of Mr. Croswell for that office. This Mr. Croswell denied. Van Dyck, if we rightly recollect, did not claim that any express agreement to that effect was made. We therefore can readily believe that both gentlemen were honest in their declarations. Mr. Van Dyck may have received the impression from conversations with Mr. Croswell, that he intended to surrender the office to him, when the latter did not mean to be so understood.

Efforts were made by the respective friends of Messrs. Croswell and Van Dyck to effect a compromise of their conflicting claims, in which senators Dennison and Bartlett had a considerable agency.

The printing establishment of the *Argus* was then owned jointly by E. Croswell, S. Croswell, and H. H. Van Dyck. Mr. Croswell proposed that a law should be passed making the *Argus* the state paper, without naming a state printer. To this Mr. Van Dyck objected, because the two Croswells owned two-thirds of the establishment, and they therefore would hold a control over the editorial department of the paper.

Mr. E. Croswell then proposed that his name should be withdrawn as a candidate, and that H. H. Van Dyck

and Sherman Croswell should be appointed state printers; but this proposition was rejected by Mr. Van Dyck, on the same ground as the former; Mr. V. D. believing, that as the Messrs. Croswell would hold a majority of the stock which comprised the establishment, they could and would control the political course of the paper. The attempt to compromise, therefore, failed.

On the first day of the session, Mr. Dennison gave notice of bringing into the senate a bill to provide for the public printing, and on the fifth of January brought in such bill. The bill, we have been informed, as drawn by Mr. Dennison, provided for the appointment of H. H. Van Dyck as state printer. It was referred to the printing committee, consisting of Messrs. Lawrence, Rhoades, and Hunter, who reported a bill, the first section whereof provided that the state printer should be appointed by the joint ballot of both houses.

Mr. Foster, who favored the appointment of Mr. Croswell, moved to amend this section by enacting that the state printer should be appointed on the nomination of the governor, by consent of the senate. This amendment was opposed by Mr. Dennison and others, but it finally succeeded, the whigs generally voting for it.

Mr. A. B. Dickinson,\* on the subject of the amend-

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\* Mr. Dickinson was from the county of Chemung, and formerly belonged to the democratic party. He abandoned that party in 1837. He is an unlettered man, and has derived very little benefit from reading in the early part of his life, but his native mental powers are uncommonly vigorous. He argues a question with great force and effect. He possesses a discriminating and logical mind, and his reasoning is plain and clear, and calculated to convince. Though his style of speaking is rough and unpolished, he is at times truly eloquent. His wit is keen. He rarely came in contact with an opponent in the senate who did not quit the combat much scathed by his sarcasms.

ment, said he "thought he should rather prefer it to the original bill. Before voting for it, however, he should like to know whom the governor would appoint; whether there were not some more Dutch cousins to be provided for. And he should wait for a little more cross-firing here; because it looked a little as if the forces of Commodore Bouck were arrayed against those of Captain Flagg; and if so, he preferred the commodore altogether." Mr. D. concluded by expressing the opinion that he should vote either one way or the other.

When the question came before the senate on agreeing to the report of the committee of the whole, those who voted for the amendment were—*Bartlett, Bockee, Chamberlin, Corning, Dickinson, Ely, Faulkner, Foster, Franklin, Hopkins, Lott, Mitchell, Rhoades, Schorille, Varian, Works, Wright*—17. Those who voted in the negative were—*Dennison, Deyo, Hunter, Platt, Porter, Putnam, Root, Ruger, Sherwood*—9.

We have caused the names of the democratic senators to be printed in italics, from which it will be seen that this was a test vote between the hunkers and radicals: of the sixteen democrats who voted, ten were hunkers and six radicals. Mr. Scott, of New York, and Mr. Strong, of Rensselaer, known radicals, were absent when this vote was taken. The two sections of the party, therefore, then stood as ten to eight.

On the question of engrossing the bill for a third reading, Mr. Dennison said: "The amendment which had been adopted, giving the appointment to the executive chair, and which was pressed through yesterday with all the energy and eloquence of the senator from the 5th, (Mr. Foster,) was gratuitous, to say the least. Mr. D. regretted the passage of that amendment. He regret-

ted that this administration was to be saddled with so odious a measure, in the outset, as this taking power from the many and giving it to the executive. He was well satisfied that the governor had no desire to wield this power. The journal printed by the state printer was always looked upon as the organ of the administration, and was looked upon with jealousy by the people at large. How much better that that journal should be selected by the representatives of the people of all parts of the state! How much more consistent with the true principles of democracy! The people in the extreme parts of the state always look with jealousy to the centre ; and suspicions always existed of the influence of a regency, or clique. Now it was proposed to have a journal connected with the executive—dependent on him, at least, for appointment—and in a great measure independent of the immediate representatives of the people. He hoped senators would reconsider their votes on this amendment ; if not, he hoped it would be arrested in the other house. But if not there, he still hoped it would encounter the veto power. It appeared to him a proper subject for the exercise of that power. It was an anti-republican measure : it was stealing power from the many for the few."

On the final passage of the bill, 16 senators voted for it and 10 against it.

In the assembly a bill was brought in by the printing committee, to appoint Edwin Croswell state printer.

Judge Leland, from Stenben, offered an amendment to the first section, striking out the name of Edwin Croswell, and which provided for the appointment of a state printer by joint ballot. In offering the amendment, Mr. Leland, among other things, said, "there had been a great

deal of influence brought to bear on this subject, from all quarters. All who had come up here for office, and who were expecting patronage, had been brought in to take one side or the other; and neither side knowing what will be the result, there were some who were disposed to cry "good lord, if a lord, or good devil, if not a lord,"—so that this had become a very absorbing subject. The question, who were the friends of the governor, had been raised on this subject."

The amendment proposed by Mr. Leland made the bill nearly similar to the senate's bill before it was amended by Mr. Foster; and by an apparent consent of the two sections of the democratic party in the assembly, it was adopted.

The senate subsequently concurred substantially in the bill from the assembly as amended by Mr. Leland; so that the state printer was by law required to be appointed by joint ballot of the two houses.

On the 21st of January, a caucus of the democratic members of the two houses was held for the nomination of state printer. But before giving the result of this meeting, it may be proper to state that Mr. Van Dyck had withdrawn his name as a candidate for the office, and there was not in reality any candidate against Mr. Croswell. Those of the caucus who would not vote for Mr. Croswell, voted without any hope of success, and we presume without any serious effort on his part, for William C. Bryant, of the Evening Post. There were 108 members present, of whom 66 voted for Mr. Croswell, 40 for Mr. Bryant, and there were two scattering votes cast.

The next day the election was made by the two houses, in pursuance of the nomination. On the same

day Ebenezer Mack, of Ithaca, formerly a senator, and author of the biography of Gen. Lafayette, was chosen printer to the senate, and Messrs. Carrol and Cook for the assembly.

In connection with this subject it may be proper to state, that some time in the year 1841, Messrs. Vance and Wendell established a democratic daily paper in the city of Albany, called the Albany Atlas.

The object of the proprietors seemed to be that of mere business men. It was a respectable newspaper, and uniform in its course as respected the party to which it professed to belong. It did not attract much attention as a political paper until the commencement of the session of the legislature in 1843. About that time it was transferred to Messrs. French\* and Cassidy. These gentlemen were young men, and both of them very popular with the young men of Albany. Mr. French was ardent and generous; and such was the influence of the young men, and so much was he their favorite, that in 1840 and 1842, he was nominated by the democrats of Albany a candidate for congress against Gen. Dix, or Gov. Marcy, or both, in opposition to the joint efforts of Mr. Flagg, and many others of the most influential politicians in Albany, among whom, we believe, was Mr. Edwin Croswell.

When the question of state printer came to be agitated, the Atlas, under the direction of Messrs. French and Cassidy, took bold and decided ground against Mr. Croswell; and the corps of young men who had before been the personal and political friends of French and Cassidy, formed a sort of radical association, of which the Atlas

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\* James M. French and William Cassidy.

was the organ. It was in that paper that Mr. Van Dyck published his communications while he was contending with Mr. Croswell for the state printing.

On the 7th day of February, Silas Wright was re-elected senator of the United States for six years, from the 4th day of March, 1843. It is a singular fact in the political history of the state, that notwithstanding the general inclination, to which we have before alluded, of the people for rotation in office—notwithstanding the office of senator of the United States, to a man who has talents and taste for public life, is perhaps the most desirable office within the gift of the people or legislature of the state, and notwithstanding the furious contending factions which at that time existed among the democratic members of the legislature,—at the caucus held on the evening before the day on which Mr. Wright was chosen, upon balloting for a candidate, his name was found written *on every ballot*. He had in fact outlived not only opposition but competition. In the senate Mr. Wright received 17 votes, Mr. Filmore 6, Mr. Collier one, and Gen. Root voted for Mr. Bradish. In the assembly, Wright received 77 votes, Filmore 16, and there were 15 scattering whig votes.

Mr. A. B. Dickinson offered the following resolution, which produced considerable discussion, and some excitement between the democratic and whig members.

"Resolved, That the canal commissioners report to the senate, as soon as practicable, the length or distance from the macadamized road of the northern part of the ornamental rubble wall on the line of the canal between the cities of Albany and Troy, formerly under the charge of Wm. C. Bouck, canal commissioner, which said wall commences in front of the premises owned by W. J.

Worth, and passes along the property owned by David Hamilton, late canal superintendent, and Edward Learned, canal contractor; also what is the distance on a parallel line between the said road and the wall next south of the interval or space between the said walls from the said road; whether the nature of the soil or any other cause required the erection of the first-described wall, which would not equally apply to the space between the two walls; and whether, if the said first-required wall was required to be erected for canal purposes or for the protection of travellers on the road, it is not necessary to connect the two walls by a similar erection."

Mr. Dickinson charged that Gov. Bouck, while canal commissioner, had expended more money in enlarging the canal, between Albany and Schenectady, and in erecting ornamental works, than was necessary. In the course of the investigation it did appear that a very large sum of money had been expended on that part of the canal; but after a pretty thorough investigation by a committee, of which we believe Dr. Ely, a senator from the fifth district, was chairman, nothing appeared which proved any improper conduct on the part of Mr. Bouck. This attack of Mr. Dickinson on the governor, when canal commissioner, was conducted by Mr. D. with more than his usual boldness, vigor, and ability. The controversy growing out of the investigation was, we believe, carried on entirely between the whigs and democrats, without distinction, as relates to the two sections of the last-named party; but another question soon came before the senate which excited much bitterness of feeling, and served to widen the breach between the hunkers and radicals.

Several years before this the governor had by law

been directed to cause a geological survey of the state to be made, and the result of the survey to be published. In pursuance of this direction, surveyors had been employed, a very thorough exploration had been commenced, and the survey nearly completed; contracts for publishing the result had been entered into, and six volumes had been published. The work was got up in a magnificent style, and at great expense. The cost of each volume, including the plates and printing, it was said, would be four dollars, and it was probable, before it was completed, ten volumes would be issued. Three thousand volumes were directed to be printed.

In 1842, the legislature passed a law, *by a vote of a majority of the members present*, directing that these books should be deposited with the secretary of state, and that two copies should be delivered gratuitously to the governor, and also the same number to the lieutenant-governor, and to all surviving governors and lieutenant-governors, and one copy to each member of the legislature of 1842.

Prior to the session of 1843 the books came to the hands of Col. Young, then secretary of state; and on the 13th day of March, he made a communication to the senate, in which he stated that in his judgment that part of the law of 1842 which directed a gratuitous distribution of the geological books was unconstitutional, inasmuch as it was a grant of property to individuals, and had not been passed by two-thirds of the members of both houses; and that therefore he did not feel authorized to deliver the books in pursuance of its directions. This communication was by order of the senate referred to the judiciary committee, of which Mr. Strong was chairman; and on the 17th of March, Col. Young ad-

addressed a letter to Mr. Strong, as the organ of the committee, in which he discussed the question of the constitutionality of the act of 1842 with great ability, and also reviewed with freedom, and some severity, the past action of the legislature in making grants of money, or other property, and contended that millions of outstanding stocks were then impending over the state, which were "created by laws in clear and direct hostility with the plain provisions of the constitution." He added that "these laws were null and void from their inception, and cannot impose even the shadow of a moral obligation for the fulfilment of their ostensible demands. Whether the people of the state will quietly bow their necks to the yoke, and pay a premium upon legislative wickedness and encroachment, will be disclosed by the future; and if the double course of past profligacy and past precedent can be fastened upon them, they will then be meek enough to bear without a murmur the amplest strides of unbridled tyranny. Precedents sufficiently rank for any purpose whatever, may be found in the legislation of 1836—in that memorable year when corruption vegetated with a more vigorous growth than the foulest plant of the tropics, and when a majority of one branch sympathetically resolved that moral and official crimes did not disqualify individuals from holding a seat in that body, and consequently that such crimes were to be regarded as senatorial prerogatives."

The reading of this letter produced an instantaneous excitement in the senate. The lieutenant-governor, Dickinson, who was then in the chair, had but a day or two before decided that a bill which in effect released the lien of the state on the New York and Erie Railroad, which it held for securing the repayment of a loan

to that company of three millions of dollars, was a majority and not a two-third bill, felt himself personally implicated (though it is not probable that Col. Young intended to allude particularly to any individuals) by the passage we have quoted.

The moment the reading of the letter was concluded, Mr. A. B. Dickinson rose and uttered the following severe and caustic remarks:

"He inquired if it had been ordered printed; and, being answered in the affirmative, moved that ten times the usual number of copies be printed. He took it this was a political text-book for barnburners; and, though he did not know how it came here, he was for having it either widely diffused, or returned to its author. He had thought—and he had so intimated—of offering a resolution to remove the secretary of state for blasphemy; but the secretary seemed to have become very pious all at once. He had quoted about every thing in this document, except the ten commandments. By what right did the secretary of state lecture the legislature for having quoted precedent in justification of their action? Had they not a right to quote precedent? He moved to print ten times the usual number of the communication."

The next day Mr. Foster offered the following resolution:

"Whereas in a communication from the secretary of state, presented to this house on the 20th inst., it is alleged that 'millions of outstanding stocks are now impending over the state, which were created by laws in clear and direct hostility with the plain provisions of the constitution'; and that 'these laws were null and void from their inception, and cannot impose even the shadow

of a moral obligation for the fulfilment of their ostensible demands.' And whereas, an assent, either tacit or express, on the part of the senate, to the sentiments above set forth, would not only excite apprehensions and alarm in the minds of the creditors of the state, but would lessen its honor and character in the estimation of the world. Therefore,

"Resolved, That in the judgment of this house, the state of New York will not only fully redeem its plighted faith to all its creditors, but that it is *morally and legally*, as well as in good faith and honesty, bound to discharge every public debt which has been created, and every dollar of stock which has been issued."

Mr. Rhoades declared his approbation of the resolution offered by Mr. Foster, but said that not expecting that any other senator would present a resolution, he had prepared one which he would lay on the table, that the senate might have a choice. The preamble and resolution drawn by Mr. Rhoades were very severe upon the secretary of state. The resolution which followed his preamble was in these words:

"Resolved. That we utterly discard the '*wickedness*' of all executive, legislative, or ministerial *assumptions*, which, under the guise of respect for the '*constitution*,' or the influence of any '*past precedent*,' would make an '*encroachment*' upon the plighted faith, untarnished fame, character, and credit of this state."

The ground on which Mr. Foster urged his resolution was, that the assertion of Col. Young that millions of stock then outstanding had been created by unconstitutional laws, might induce an impression abroad that the state of New York intended repudiation; on the other hand it was insisted that the condemnation of past legis-

lation by Col. Young, by no means implied that either he or his political friends meant to deny but that the state was bound faithfully to perform its engagements with those who had loaned money to its agents on the authority of the laws passed by its legislature. Several amendments to, or substitutes for Mr. Foster's resolution were offered; among which was the following, proposed by Gen. Root:

"Resolved. That the communication of the secretary of state, stating that 'millions of outstanding stocks are now impending over the state, which were created by laws in clear and direct hostility with the plain provisions of the constitution—and that these laws were null and void from their inception, and cannot impose even a shadow of a moral obligation for the fulfilment of their ostensible demand,' contains sentiments which ought not, even for a moment, to be entertained by the legislature: neither the government nor the legislature are warranted in expressing a doubt of its legal, moral, and civil obligations, to pay all its bonds punctually, to pay the interest, and actually to redeem the principal of all the stocks issued by its officers, appointed for that purpose. Their authority, when derived from public laws, cannot be questioned, nor can any defect in the passage of such laws in anywise invalidate the issue of any such stocks."

This substitute was supported by all the radicals in the senate, and four whigs—Messrs. Hard, Dickinson, Root, and Works. The following are the ayes and noes:

Ayes—Messrs. Dennison, Dickinson, Hard, Hunter, Lawrence, Porter, Root, Ruger, Sherwood, Strong, Varney, Works—12.

Noes—Messrs. Bartlit, Bockee, Chamberlain, Dixon,

Ely, Foster, Franklin, Lott, Mitchell, Scovil, Varian, Wright—12.

The lieutenant-governor gave a casting vote in the negative, which implied that he preferred Mr. Foster's resolution to Gen. Root's.

We have received information from a quarter that does not permit us to doubt of its correctness, that the tie vote on Gen. Root's substitute was given by a previous arrangement, and at the request of Mr. Dickinson, for the purpose of affording him an opportunity to reply to the letter addressed by Col. Young to the judiciary committee. But whether this information be well or ill founded, it is a fact that Mr. Dickinson, before giving the casting vote, availed himself of the occasion to state his reasons for that vote, and at the same time to review the letter of Col. Young to Mr. Strong, and deliver an elaborate argument against the positions taken by Mr. Young in that letter. This led to a newspaper controversy between the secretary of state and the lieutenant-governor, marked with extreme bitterness on both sides. The friends of Mr. Dickinson being fully aware of the great talents of Mr. Young as a writer, were justly alarmed when they became aware of the impending controversy: but in the course of the correspondence Mr. Dickinson developed, to their great satisfaction, tact and talent, when he appeared on paper, which enabled him to quit the field, after a contest with so formidable an antagonist, if not with the laurels of a conqueror, at least with the reputation of having combated with much skill.

In conclusion, we will venture, with great diffidence in our own judgment, to say that we cannot resist the conclusion, that the law which granted to each member

of the legislature of 1842 property to the value of thirty or forty dollars, was such a grant as was inconsistent with the constitution of 1821, unless sanctioned by the votes of two-thirds of the members elected to both houses of the legislature.

Col. Young reasoned that, being unconstitutional, the law was void ; that a void thing was nothing ; and that he was therefore left without any authority to make the distribution. But whether an executive officer is authorized to refuse to obey a law passed by the law-making power, unless in extraordinary cases, from which the most disastrous consequences would instantaneously result, because he *himself* believes the law unconstitutional, may certainly admit of great doubt. Col. Young might, without making any official communication to the legislature, have simply refused to deliver the books, and advised the parties claiming them to apply to the Supreme Court for an alternative mandamus, requiring him to show cause why he refused to obey the mandate of the legislature ; and on his return to that writ the constitutionality of the law would have been decided by the supreme judicial tribunal.—a tribunal created for that very purpose by the same constitution which Col. Young properly contended was the paramount law of the state.

We repeat, that this controversy served to widen the difference between the bunkers and radicals.

By the existing law there were three bank commissioners, who were allowed liberal salaries. From the control they possessed over banks they had great influence. One of these officers was appointed on the nomination of the governor by the consent of the senate, and the others elected by the banks. The existing state bank commissioner was a whig, appointed by Gov. Seward.

Of course, his successor would now be selected by Gov. Bouck.

Early in the session, a committee of the senate was raised for the purpose of taking into consideration the propriety of reducing the salaries of officers, and for devising other means for reducing the expenses of the state government, so far as such reduction could be made without injury to the public service. Dr. Ely, a friend of Gov. Bouck, was appointed chairman of that committee, and in his report, among other reforms, recommended that the number of bank commissioners should be reduced to one only.

Shortly afterwards a bill was brought into the assembly by Mr. Leland, chairman of the bank committee, in accordance with the views of the senate's committee, which, after much discussion, passed that house, but failed of passing the senate. Subsequently, Mr. Stimpson introduced into the assembly a bill to *abolish the office of bank commissioner*. This bill passed the assembly by a vote of 56 to 23.

Upon examining the ayes and noes it will be seen that many of the democratic members, among whom was Mr. Leland, chairman of the bank committee, did not vote on the question, and that all the whigs and some of the radicals voted for the bill. It did not reach the senate, so as to be announced and read the first and second time, until the last day of the session. On the motion of Mr. Dennison, the rules of the senate were suspended, and the bill was ordered to a third reading on that day. The ayes and noes on its final passage were: Ayes—Messrs. Dennison, Deyo, Dickinson, Dixon, Hard, Hunter, Platt, Porter, Ruger, Scott, Strong, Works—12. Noes—Messrs. Bartlit, Chamberlain, Cor-

ning, Ely, Faulkner, Foster, Franklin, Lott, Mitchell, Putnam, Wright—11.

The reader will perceive that all the radicals present and five whigs voted for the bill, and all the hunkers present and two of the whigs, Messrs. Franklin and Putnam, voted against it. The hunkers charged the action of the radicals on this question as originating from a desire to curtail the patronage of the governor, and give additional power and influence to the comptroller, on whom the principal duties performed by the bank commissioners were by this bill devolved.

There was still another circumstance that occurred, which, although trifling in itself, from the general practice of preceding political parties, greatly increased the irritation between the two sections of the democratic party.

Several of the nominations for office, made by Gov. Bouck, were rejected in the senate by the united votes of the radical members, supported by a majority of the whigs.

So far as we can recollect, the first collision which was publicly known happened on a disagreement between the governor and senate in respect to the appointment of a loan officer and notary public in the county of Jefferson.\* The case was briefly this:

\* There were four civil offices vacant in the county of Jefferson. Messrs. Church and Graves, two of the members of assembly from that county, presented the governor with the names of four hunkers, whom they recommended should be appointed to fill these offices. Messrs. Rutherford and Lampson recommended the appointment of four radicals. The governor made an ineffectual effort to induce the representatives from the county to compromise their differences, and mutually to agree on the persons he should nominate. Failing in this effort, he selected two names

The governor nominated Jason Clark for loan officer, and Pearson Mundy for notary public. Senator Ruger and Mr. Lampson, a member of the assembly, had recommended two other persons for these offices; and Messrs. Church and Graves, the two remaining members of assembly from Jefferson, had recommended Clark and Mundy. These nominations, together with others for the county, were, as usual, referred to the senators from the fifth district, consisting of Ely, Foster, Scovil, and Ruger. The three first-named members of the committee reported in favor of confirming the nominations, from which Mr. Ruger dissented, and presented to the senate a minority report, written under apparent excitement, and with great bitterness. He stated in that report that it was usual to leave to the senator from the county the selection of the proper candidates for office from his own county: that he was held responsible to its citizens as his immediate constituents for such appointments, and that the practice of the senators of the fifth district was in accordance with this custom. Mr. Ruger concludes his report by the following tart and rather uncourteous paragraphs:

"The democracy of Jefferson county have for years been suspicious of a foreign conservative influence, affecting nominations and appointments in the county; and now, when their suspicions are confirmed by proof, and they see the officious and intermeddling hand of foreign conservatism, pointing out who shall be the officers of that county, they will repel this indignity upon them with the contempt it deserves.

from each list, and sent them to the senate. The nomination of the radicals was confirmed, but that of the hunkers was rejected in the manner stated in the text.

"It is to be regretted that these conservative disorganizers had not been content with their labors in their own counties. But it has been otherwise. Restless, as it were, to do the greatest mischief, and to bring odium upon themselves, they have travelled abroad to receive that odium and contempt due to their labors."

On the 4th of April the senate acted upon the two reports, when a majority voted for rejecting the nominations.

Those who voted for rejecting were, Messrs. Dennison, Deyo, Dixon, Hard, Hopkins, Hunter, Platt, Porter, Putnam, Rhoades, Root, Ruger, Scott, Strong, Varney, Works—16.

The names of those who voted in favor of confirming the governor's nominations were, Messrs. Bartlit, Bockee, Chamberlain, Corning, Ely, Faulkner, Foster, Franklin, Lott, Mitchell, Scovil, Varian, Wright—13.

It will be perceived that the rejection was produced by the votes of eight radical and eight whig members.

Another difficulty of the same kind occurred quite at the latter part of the session, upon the nomination by the governor of David Buel for recorder of the city of Troy.

Senator Strong had for five years been recorder of that city, and was (no doubt deservedly) highly esteemed by the people and the bar of Troy as a useful and excellent judge. The constitutional term of his office had expired, and being a member of the legislature he was ineligible to a reappointment. The people of Troy, as was stated by Mr. Strong when the subject of a nomination of a successor was before the senate, had not indicated who they desired should be appointed recorder; but Gov. Bouck, contrary to an understanding between him and Mr. Strong, as the latter alleged, had nomina-

ted Judge Buel for the office. It seems also to be admitted, by all parties, that Mr. Buel was not aware that his name was sent to the senate. Mr. Strong opposed the confirmation of this nomination in a speech of some length, in which he animadverted with great severity on the conduct of the governor, and the senate rejected the nomination by the following vote, Mr. Strong himself declining to vote :

*For confirming.*—Democrats: Messrs. Bartlit, Bockee, Chamberlain, Corning, Ely, Faulkner, Foster, Lott, Mitchell, Scovil, Varian, Wright—12.

*Against confirming.*—Whigs: Messrs. Dickinson, Dixon, Franklin, Hard, Hopkins, Platt, Putnam, Rhoades, Root, Works—10. Democrats: Messrs. Dennison, Deyo, Hunter, Porter, Ringer, Scott, Sherwood, Varney—8.

These rejections and some others, and the means by which they were procured, the hunkers contended were evidence of a violation of good faith to the party by the radicals, and a determination on their part to wage a war against the governor.

Having mentioned the case of the recorder of Troy, in which Mr. Strong was personally concerned, it is perhaps justly due to him to copy an article from the Troy Budget, as evidence of the light in which his conduct was viewed by his democratic fellow-citizens of his own city, and the estimate formed of his official services by the Troy public :

"When elected senator, we know that gentleman [Mr. Strong] held the office of recorder at the free disposal of his democratic fellow-citizens, both willing and desirous to relinquish it whenever they should signify not only their wish, but their willingness that he should do so. When the appointing power had become changed,

several citizens, under the well-known impression that Mr. Strong was desirous of vacating the recordership, (and most of them with no other understanding,) petitioned the governor in behalf of Judge Buel, an able and universally esteemed citizen. Meanwhile, nearly the entire bar of the city requested Mr. S., who is a great favorite as judge of the mayor's court, to retain, and the governor, at the same time, to continue him in the place, to which the latter, we believe, had tacitly assented. Had an appointment under these circumstances been made at the close of the session, it would have been as unexpected to those who had signed the petition for Judge Buel, as to the rest of the community.

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"Judge B. never was an applicant for the office, and he would by no means have accepted it—as his high sense of honor will attest—with the wishes of the bar in behalf of the present incumbent, and his willingness to retain the post, so clearly manifest. Both these gentlemen are highly esteemed here by the members of their profession, and by the community at large, and there can be no misunderstanding between them and their friends on this subject. We are also compelled to state, since his name has been involved in the controversy, that Gen. Davis undisguisedly admits that he never advised or sanctioned the change in the recordership. It may not be improper, however, in this connection, to add, that the use of Gen. Davis's or Mr. Strong's name in this article is without their knowledge or advice. And we may say, *et passim*, that we are glad to see Mr. S.'s philosophical coolness and quietude on the subject."

The policy pursued by the whig senators was ex-

tremely judicious, and well and successfully carried out. On all mere party questions on which the hunkers and radicals were irreconcilably divided, there was a sufficient number of whigs ever ready by their votes to decide the question in favor of one or the other section of the democratic party, as best suited their views of what was right or what was politic.

We have no doubt the rejections of the governor's nominations for comparatively trifling offices, produced more unkind feeling among the democratic members than any thing which occurred during the session.

The legislature adjourned on the 18th of April. Notwithstanding the bitterness which at times had prevailed during the session between the democratic members, a caucus was held on the evening before the adjournment, which they generally attended, and in which there was an apparent cordial union. An address was read and approved unanimously, and resolutions were adopted, by one of which the caucus recommended the support of Martin Van Buren for the office of president of the United States.

The whigs also held a caucus, at which they adopted an able address and some spirited resolutions.

The democratic party succeeded at the charter election in Albany. At the charter election in New York the democratic ticket was equally successful. The democrats obtained a large majority in the common council, and also elected ROBERT H. MORRIS for mayor, who only two years before had been removed from the office of recorder of that city, by Gov. Seward and the senate, for his conduct in relation to the Glentworth papers.

On the 5th of September, a convention of delegates

from all the counties in the state assembled at Syracuse, for the purpose of electing delegates from the state of New York to represent the democratic party of the state in the national convention at Baltimore, to nominate a president and vice-president of the United States. The convention was called to order by Mr. Gardner, of Saratoga ; and upon a ballot for a president of the convention, William L. Marcy received 79 votes, and Samuel Young, 40. Mr. Marcy was of course declared elected.

Some discussion took place, whether the delegates should be chosen by the convention, that is to say, by general ticket, or in congressional districts ; but on this question the assembly were nearly unanimous in favor of the choice by general ticket. There were but nineteen votes against that mode, and three of the nineteen, Judge Oliver, of Yates county, Mr. Redfield, of Genesee, and Mr. Dean, of Putnam, declared that they thus voted *because* they were so instructed by their constituents.\*

The delegates were instructed to support Martin Van Buren for president.

Among the resolutions which the convention adopted we observe one which declares that "the democracy repose full confidence in the capacity, integrity, fidelity, and patriotism of WILLIAM C. BOUCK, and that in him and the other distinguished individuals associated with him in the state administration, the convention recognise a true devotion to the wishes and welfare of the people."

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\* This decision is entitled to the more respect, because it was conceded that if the delegates had been chosen by congressional districts, every one of them would have supported Mr. Van Buren, who was unanimously recommended by the convention as the candidate for the presidency who ought to be supported by the New York delegation.

Before the adjournment, RICHARD D. DAVIS, from Dutchess county, of whom we have formerly spoken,\* and who was a delegate from the county of Dutchess, delivered a powerful and eloquent address, for which he received the thanks of the convention.

It is with deep and painful regret that we record the death of WILLIAM RUGER, a senator from Jefferson county, whom we have several times mentioned. He died on the 22d day of May, after an illness of a few days. We knew him well from his boyhood. He was a self-made man, resolute and almost stubborn in the support of his principles, but honest, and sincerely faithful to those for whom he professed friendship.

We have also to notice the death of SMITH THOMPSON, a judge of the Supreme Court of the United States, of whom we have frequently had occasion to speak in the preceding volumes of this work. It is unnecessary for us to say he was an able, learned, and independent jurist. His opinions contained in our reports, and his public life, afford the best evidence of this. We will only add, that we cordially concur in the following obituary notice of his death by Mr. Croswell :

"It is with deep regret that we announce the death of the Hon. Smith Thompson, one of the associate justices of the Supreme Court of the United States. He expired at his residence in Poughkeepsie, after a protracted illness, on the afternoon of Monday last, at the advanced age of seventy-six years.

"Judge Thompson filled the station he held at the time of his death, through a period of twenty years, having been called to the post upon the death of Judge Brockholst Livingston in 1823. He had previously held

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\* 2 Political History, p. 527.

successively the offices of district-attorney of the old middle district, associate and chief-justice of the Supreme Court, (succeeding Chief-justice Kent, in the latter station, upon his elevation to the chancellorship,) and secretary of the navy under Mr. Monroe.

"Judge Thompson was peculiarly fitted by his extended legal knowledge, and his cool and clear-headed sagacity for the station, of which he was so long an acknowledged ornament—while the eminent purity of his life reflected additional lustre upon his public career. The death of such a man, thus exalted in his official and private relations, will long be lamented as a public calamity.

"The courts in session in the city of New York, upon receiving intelligence of the death of Judge Thompson, in respect for his memory and virtues, adjourned over."

The feuds that prevailed at Albany, and among the democratic members of the legislature, did not to any extent affect the people in the country counties. They were, it is true, felt in the county of Oneida; but there the hunkers seem, at that time, to have held a majority over both whigs and radicals. However, Mr. Horatio Seymour, who was very popular, was a candidate for the assembly from the city of Utica, and undoubtedly added great strength to the ticket; besides, we believe both parties at that time in Oneida county held themselves bound by regular nominations.

That the divisions in Albany did not affect the election in the state, is proved by the general result. Nearly three to one of the members returned to the assembly were democrats; and in eight senatorial districts, the democratic party succeeded in all except the eighth. The

senate after this election contained twenty-six democrats and only six whigs.

David R. F. Jones was elected from the first senatorial district, in the place of Mr. Franklin; Joshua B. Smith, from the second, in the place of Mr. Hunter; Stephen C. Johnson, from the third, in the place of Gen. Root; Orville Clark, from the fourth, in the place of Mr. Hopkins; Thomas Barlow, from the fifth, in the place of Mr. Ely, and George C. Sherman, to fill the vacancy occasioned by the death of Mr. Ruger; Clark Burnham, from the sixth, in the place of Mr. Dickinson; Albert Lester, from the seventh, in the place of Mr. Sherwood; and Frederick F. Backus, from the eighth, in the place of Mr. Dixon.

## CHAPTER XIII.

Character of Leading Members of the Legislature of 1844—Democratic Caucus for Speaker—Mr. Littlefield nominated and elected—James R. Rose elected Clerk—Governor's Message—Meeting at Albany of the friends of a Convention—Formation of the Committees of the Assembly—Mr. Foster's Resolution for the Reduction of Postage—Mr. Foster elected President pro tem. of the Senate—Death of Judge Cowen—Samuel Beardsley appointed Justice of the Supreme Court—Death of Gen. P. B. Porter—James V. L. Pruyn and James J. Wadsworth appointed Regents of the University—J. P. Cushman resigns the office of Circuit Judge, and A. J. Parker appointed his successor—Mr. Farrington appointed Treasurer—J. C. Spencer nominated Associate Justice of the United States Supreme Court—His nomination is rejected by the Senate—Causes—Silas Wright nominated for same Office—He declines—Nomination of Chancellor Walworth for same Office—Afterwards the Chancellor's name withdrawn by the President, when Judge Nelson was nominated and appointed.

1844. As the condition and movements of the political parties and sections of parties in the legislature in this and the succeeding year, will become, as we proceed in our story, highly interesting, and as the result of their action produced important and momentous consequences, it may be proper in the outset, to present a sketch of the characters of the leading and active members of the legislature. Of the state officers, we have spoken in the preceding chapter.

By the expiration of the terms of office of Gen. Root, James G. Hopkins, and Andrew B. Dickinson, the whigs had lost much of the talent they formerly had in the senate. True, Mr. Hard and Mr. Rhoades, of whom

we have heretofore spoken, were there. Mr. Nehemiah Platt, of Tioga county, a man of sound mind and great personal worth, but who did not take a very active part in legislative proceedings or party operations, also remained in the senate. Mr. Harvey Putnam, a lawyer and wealthy banker from Attica, was a shrewd, sagacious political manager, and when he chose to take the trouble, could debate a question with ability and great ingenuity. Mr. Samuel Works, also a whig senator from the eighth district, was a practical farmer. He is said to be a man of great native sagacity. Although he seldom attempted to take a part in debate, he possessed considerable influence with his friends in the legislature, and great popularity at home. If we mistake not, he was a veteran antimason, and may be considered at that time as the only remaining representative of that by-gone party.

In the assembly the whigs had very few representatives; but among them were two men of distinguished ability. We do not intend to imply by this that the other whig members were destitute of talents; we presume they were all, and we know some of them were, men of great worth and respectable attainments, and competent legislators. The two members to whom we allude are Samuel Stevens of Albany and Archibald L. Linn. Of Mr. Stevens, we have spoken in a preceding volume. He now supplied, and very ably supplied, the place of his immediate predecessor from Albany, the talented and much-esteemed late attorney-general, Willis Hall.

Mr. LINN, we believe, was at that time mayor of the city of Schenectady, and had lately been a member of congress from the district of which Scheneetady is a

part, and while at Washington had acquired a respectable standing and character in the house of representatives. Although zealously attached to the whig party, and firm in the support of the whig cause, the dignity of his deportment, his candor and courtesy as a member of the assembly, gave him, though his party was greatly in the minority, considerable influence in that body.

In the senate, the democratic party, including both sections of it, possessed much talent, and we may add personal worth.

LIEUTENANT-GOVERNOR DICKINSON had been a successful lawyer, and had formerly been a member of the senate. In both situations he had acquitted himself creditably, and acquired a reputation for much more than ordinary talents. He was active and energetic, both as a legislator and politician. As evidence of the superior grade of his native talents, it is proper to state that he was bred a mechanic, and did not commence the practice of law until after he was married and had a family. Upon being admitted to the bar he in a very short time acquired an extensive practice. He was a decided friend of Governor Bouck, and at the election of 1842 reluctantly consented, through the pressing solicitude of friends, to be a candidate for the office of lieutenant-governor. His friends were the more urgent because they believed that the influence of his name, especially in the southwestern tier of counties, would add essentially to the probability of success of the gubernatorial ticket.

We have heretofore mentioned Judge SCOTT from New York. He belonged to the radical party ; he was a sound-minded, though not a brilliant man. Though candid and frank in declaring his principles as a politi-

cian, he was resolute and unyielding in his adherence to them.

D. R. FLOYD JONES, also from the city of New York, had been a member of the assembly from that city the preceding session. He then acted with the hunker party, and he pursued the same course as a senator. He is the grandson of that celebrated lawyer, the first comptroller, and inherited much of his talents, though perhaps he was a less scheming and ardent politician.\* Courteous in his deportment, both in legislative discussions, in which he often took part, and in his social intercourse, he deserved, and we presume acquired, the friendship and respect of all parties.

JOHN A. LOTT, from the city of Brooklyn, is an able lawyer, and was one of the most useful and valuable members of the senate. His industry in examining, his accuracy in framing, and his care in passing laws, together with his untiring efforts to guard against hasty and imprudent legislation, enabled him to render essential service to the state. "He enjoyed," says a correspondent, "in a high degree the respect and good-will of all sections and parties." He was a hunker.

Of ROBERT DENNISON, from the second district, we have had, and shall hereafter have, frequent occasion to speak. At present we will merely remark, that he was shrewd and sagacious, an ardent and zealous politician, and indomitable in maintaining and defending his principles, and in the pursuit of his political projects.

We have no personal knowledge of ABRAHAM BOCKEE, of Dutchess county. All we know of him is what appears in the reports of the proceedings in the senate,

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\* See 1 Political History, p. 75; also p. 104.

and his published opinions given in the Court for the Correction of Errors. These, however, prove him to be a man of decided talents. From the time he became a member of the senate until the session of 1846, when the convention bill came before the senate, he acted with the hunker party, and was considered as belonging to it. Since that time he has been regarded as a radical.

We have several times mentioned HARVEY W. STRONG, and intimated our views of his talents and character as a legislator. "He was," says a liberal and intelligent correspondent who belongs to the hunker party, "an excellent debater, and a leading member among the friends of the state officers."

ERASTUS CORNING, a merchant of high standing and character from the city of Albany, though he did not mingle much in debate, was, from his knowledge of commercial and moneyed operations, a very useful and highly influential member of the senate. In 1842 he was zealous for the passage of the financial bill of that year. His extensive knowledge of the condition and operation of the banks and of the money-market, not only of this country but of Europe, enabled him to foresee that a radical reform in the expenditures of the state was absolutely necessary, in order to preserve its credit from total prostration. He however acted with the hunker party; and from his profound knowledge of men, his great native sagacity, and the caution and prudence which marked his conduct, he exercised a great influence in the legislature, not only with his fellow-democrats, but with the whigs.

JOHN C. WRIGHT, of Schoharie, and THOMAS B. MITCHELL, of Montgomery county, were both of them lawyers in good standing, and friends to the governor

Mr. Wright afterwards distinguished himself in the bitter and almost personal contest with Col. Young, in which he acquitted himself with skill and ability, though it is to be regretted that too much unkind personal feeling was exhibited during that discussion.

Mr. Mitchell was more reserved, and did not mingle so much in the debates as his talents and address would have warranted. He left the senate with a character respectable for talents and usefulness. He was a warm and zealous hunker.

GEN. ORVILLE CLARK, from Warren county, also belonged to the hunker party. He took a very active part in all the proceedings of the senate, and was a man of as much colloquial power and as great fluency, perhaps, as any member of that body.

HENRY A. FOSTER, from Oneida county, who, in 1837, was a member of congress, was a leading democratic senator, and a hunker. Had we, in this brief review of the senate in 1844, arranged the members according to their reputation for talents, Mr. Foster ought undoubtedly to have been placed at the head of the list. In debate he is truly formidable. The rapid and effective action of his intellectual power, his retentive memory, his ready recollection of facts and even dates, combined with his sharp and caustic style of speaking, made him respected and feared by his opponents, and the admired champion of his friends. A personal and political friend of Mr. Foster, in a letter to the author, concludes a very laudatory description of him by saying: "His great defect as a party leader is the reserve of his disposition, which prevents him from combining his friends in an effective manner."

GEORGE C. SHERMAN, the successor of Mr. Ruger, took

sides with the radical party, although when he was elected it was supposed (though we do not know that such was the case with his immediate constituents) that his predilections were with the hunkers. We have no personal knowledge of him, but have heard him spoken of as a shrewd, managing man.

THOMAS BARLOW was nominated and elected a senator while he was county-superintendent of common schools of the county of Madison. Probably his zeal and efficiency in the cause of popular education was one means of introducing him into political life. After he became a member of the senate, he did not lose the interest he had formerly manifested in the improvement of common schools: on the contrary he continued, while in that station, their faithful and zealous advocate. On all questions which arose in the senate involving private rights or human liberty, Mr. Barlow was their active and efficient defender. He ultimately connected himself with the radicals.

We had not much personal knowledge of WILLIAM BARTLIT, of the seventh district, but our predilections were decidedly favorable to his head and heart. We are not aware that he took a very active part in the senate. Notwithstanding the sharp and unpleasant contest he had with his colleague, Mr. Porter, we think his disposition inclined him more to friendly social intercourse than to political, and especially personal collisions. He made an unsuccessful, but we have no doubt sincere effort, to reconcile the differences between Messrs. Crosswell and Van Dyck. Mr. Bartlit was a hunker.

Of ALBERT LESTER, our worthy and estimable correspondent, belonging to the hunker party, thus speaks:— “He was a sound lawyer, and an upright man in his

private transactions. As a member of the senate he was very valuable for his industry, his care in framing laws, and his constant and vigilant attention to legislative business. His acerbity of temper and strong prejudices too frequently warped his judgment." We can very readily believe that the temper of an *honest* man, however benevolent he might naturally be, thrown into the vortex of New York polities, might become soured, and that he might also become unreasonably suspicious of the motives of his opponents; but we doubt not that the impulses of Mr. Lester's heart were honest and patriotic; and though these impulses may have sometimes misled his judgment, with our correspondent we believe he was a "valuable" member of the senate.

JOHN PORTER, of Cayuga, was also an excellent lawyer, and decidedly a man of talents. He was not wordy: he possessed a clear, discriminating, logical mind. He was, and is, no doubt, strictly an honest man; but either from the constitution of his mental faculties, or from some physical defect in the organization of his nervous system, he was extremely acrid and irritable, and so much so that it impaired his influence, and prevented his being as useful, either to his political friends or to the state in general, as his conceded ability, both natural and acquired, and his integrity of purpose would otherwise have rendered him.

The quiet and peaceable days enjoyed by any country are unquestionably the most prosperous; and yet such periods furnish no materials for the historian. Those who administer the government during such times scarcely obtain a place in history, notwithstanding peace and prosperity may have been produced by their wisdom and virtue. In like manner some of the

most useful members of a legislative body, who merely give their advice to those who consult them, and vote according to the dictates of their own consciences, are frequently lost sight of in the bustle and strife of political gladiators, and the din of contending partisans. Of this description were several of the senators whose names we have not mentioned, among whom we cannot refrain from alluding to the modest and amiable CLARK BURNHAM, of Chenango, and the sagacious and kind-hearted CARLOS P. SCOVIL, of Lewis county.

Neither our space nor the time of our reader, would permit us to describe, with minuteness, the efficient and influential democratic members of the assembly of 1844. It is, however, necessary to mention a few of them by name, but we hope it will not therefore be inferred that there were not many other members of that body who distinguished themselves during the session, and had an important agency in influencing the action of that branch of the legislature.

We shall first invite attention to MICHAEL HOFFMAN, of Herkimer; and we cannot better describe him than by copying from a reliable correspondent who belonged to a section of the democratic party adverse to that to which Mr. Hoffman was attached, and who was himself a member of the assembly during that session: "Although," says our correspondent, "Mr. Hoffman failed in procuring a nomination for the speakership, he exercised a powerful influence in the house. The distinguished position he had occupied in the legislature of 1842 in connection with the financial policy of the state, his parliamentary knowledge, and his ability in debate, gave him great weight, and rendered him a formidable opponent. Mr. Hoffman is a man of ardent,

and I might say chivalrous, temperament. He is very animated, and has remarkable powers of denunciation. These powers he usually exerts, and these denunciations he usually bestows upon *measures* rather than *men*. He is courteous towards his opponents, and gives a dignified and parliamentary tone to the discussions in which he engages."

We heartily concur with these remarks. We will, however, add, that Mr. Hoffman is a learned and able lawyer, and that, as might be expected, from the name he bears and the nation from which he is a descendant, when once he forms an opinion, he is irrevocably attached to it with a tenacity which almost amounts to stubbornness.

Next to Mr. Hoffman, who we hardly need say was the leader of the radicals, we must mention HORATIO SEYMOUR, who now for the second time was elected a member of the assembly from the county of Oneida.

We have, we believe, before remarked, that Horatio Seymour is the son of that excellent legislator and canal commissioner, the late Hon. Henry Seymour. Mr. Seymour, of whom we speak, entered the legislature in 1842. He was then quite young. He had read law, but having had a large estate cast upon him, as one of the heirs of his father, and in right of his wife, who is a daughter of one of the wealthiest men in Albany, the care of his property engrossed so much of his time that he paid little attention to his profession, and never distinguished himself in it; but his literary attainments are varied and respectable, and he probably very early acquired a taste for polities and for public life. We have seldom known a man who possessed higher and better qualifications for usefulness and success in a popular

government than Horatio Seymour. Kind and social by nature, affable in his deportment, possessing a shrewd, discerning mind, fluent, and at times eloquent in debate, enlarged in his views, liberal almost to a fault to his opponents, and fascinating in his address, no man seemed better calculated to acquire an influence in a legislative body than he, and few, indeed, at his time of life, have in fact acquired a better standing or more substantial moral power. He had early made himself well acquainted with the great and varied interests of the state of New York, an acquisition which aided him much in debate, and gave him an advantage over older members, and which, at the same time, enabled him to render services in legislation highly useful and beneficial to the state.

We have no personal knowledge of WILLIAM F. ALLEN, of Oswego, who was a member of the assembly in 1844, but is now a justice of the Supreme Court. That he is a man of decided talent is well known. He was a friend of Gov. Bouck, although on some questions which arose in the assembly, he voted with Mr. Hoffman against what were understood to be the views of the governor.

JOSEPH F. BOSWORTH, from the city of New York, was, beyond doubt, one of the ablest men in either of the legislative houses. "He was," says a correspondent, who was a fellow-member of the assembly with Mr. Bosworth, "an excellent lawyer and a good debater. His course in the legislature was peculiar. He sometimes acted with one section of the democratic party, and sometimes with the other. He has since been permanent and decided, having attached himself to the hunker section."

Of CALVIN T. HULBURD, of St. Lawrence county, at

present we will only remark, that he was a man of enlarged and liberal views—that his desire for the general good elevated him above the petty trickery of party. So predominant in his mind were the principles of benevolence, that we were going to say he could not, if he would, give up to party those intellectual powers which “were meant for mankind.” He belonged to the radical party; but a hunker correspondent, who was a member of the assembly with Mr. Hulburd, thus writes of him:—“Mr. Hulburd was an able man, and distinguished himself in the measure of the establishment of a state normal school, which he advocated with ability and success.”

Ashley Sampson, of Rochester, was, and we believe continues to be, one of the most distinguished members of the bar in Western New York. The business of legislation was new to him; but he possesses a dry, quiet humor, which rendered his public speeches amusing and effective. The house always heard him with pleasure.

Besides the gentlemen we have named, there were Ambrose L. Pinny, from Dutchess, Leonard Lee, from Orange, George S. Gorham, from Otsego, and Clark B. Cockran, from Montgomery, and several others who took an active part in the proceedings of the house. Several of these gentlemen, and especially the member last named, distinguished themselves very creditably, and afforded great promise of future usefulness in public life.

That able and eloquent lawyer, Samuel Stevens, from Albany, whom we have several times mentioned, and therefore need not here describe, confessedly stood at the head of the whig party in the house, and as a man

of talents and an able legislator, was justly regarded as holding a high, if not the highest, rank in the assembly.

BENJAMIN FRANKLIN HALL had been elected from Cayuga county, which, before the election, was believed to be strongly democratic, in consequence of some local dissensions in that county, and probably partly by reason of the personal popularity of himself and his colleagues. Mr. Hall was a lawyer of respectable standing and character, and a zealous and active whig. He belonged to that school of whig politicians of which Gov. Seward is the head, and had favored not only the views of Mr. Seward as to internal improvements and legal reform, but his opinions in relation to schools for the children of foreigners. On the subject of constitutional reform, Mr. Hall had before his election declared, that material changes in the existing constitution were necessary, which, in his judgment, could never be effected by legislative recommendations, and, therefore, that a convention was indispensable. It will hereafter be perceived, that during the session about which we are now writing, he made a vigorous effort to carry into effect his views.

Upon a review of our notice of the members of the assembly, we find we have omitted to mention one member (and we presume many others) who deserves especial attention. That member is THOMAS G. ALVORD, of the county of Onondaga. He, although a new member, evinced great energy of character and independence of principle, and exercised an efficient influence during the session.

There were, at the election in the preceding November, 92 democratic members elected to the assembly. The legislature was to organize on Tuesday, the second day of January, but a large portion of the members,

probably a majority of them, arrived in Albany on Saturday, and from that time until Monday evening an excited canvass for speaker was kept up among the democratic members.

ELISHA LITCHFIELD, of Onondaga, and Horatio Seymour, of Oneida, had each their respective friends among the hunkers. Mr. Litchfield had been a member of congress, and long known, in the section of the state where he resided, as a man of great worth and weight of character; but we think the most intelligent men of the hunker party would, even at that time, have preferred Mr. Seymour. Nevertheless, that sagacious and far-seeing politician, Edwin Croswell, and other reflecting men, perceived the advantage which would be gained by identifying with them, in a great central western county, strongly democratic as Onondaga was, a man of Mr. Litchfield's weight of character and long standing in the democratic party. Mr. Seymour himself saw the propriety and policy of the measure, and before the caucus, declined to be a competitor. The radicals were also divided. A part of them were for Mr. Hulburd; but the majority were of opinion that Mr. Hoffman, the great champion of their favorite financial system, ought to be supported. The stronger *feeling* was for Mr. Hulburd, but he would not consent that his claims should be urged, and that wing of the democratic party, before the caucus assembled, united upon Mr. Hoffman. Had he been permitted to decline, (we cannot believe that Mr. Hoffman felt much personal interest in the question,) and had he used his influence in favor of Mr. Hulburd, we were at the time, and are now inclined to the opinion, that such was the personal kindness and friendship felt for Mr. Hulburd, he would have been nominated

Ninety-one of the ninety-two democratic members elected, met in caucus on Monday evening, when, upon balloting for speaker, Mr. Litchfield received fifty-six votes, and Mr. Hoffman thirty-five; and one vote was given for Mr. Redington, of St. Lawrence. On motion of Mr. Hoffman, Mr. Litchfield was declared unanimously nominated.

Mr. James R. Rose, after three ballottings, was nominated clerk, against Mr. Wales, who was the most formidable candidate in opposition to him.

When the house met the next day, Mr. Litchfield was elected speaker. He received 90 votes, and Mr. Stevens, the whig candidate, received 28. Mr. Rose was also elected clerk against Mr. George W. Weed, who was supported by the whigs, by a vote of 89 to 33.

The governor in his message states the public debt at \$23,847,167.62, exclusive of available means in the hands of the commissioners of the sinking fund, and the interest on that debt at \$1,377,261.84. The canal tolls the preceding year amounted to \$1,910,701.86. He reviews the policy, and admits the necessity of the tax law of 1842, and with regard to further expenditures for internal improvement, the governor remarks, that "in view of the large expenditure on some parts of the public works, and the comparatively small sums required to complete them, regrets have been felt in some quarters that the surplus revenue of the state from all existing resources, including the product of the tax, was placed beyond the reach of the officers of the government, or the legislature, by the solemn pledges of that law. The means of doing any thing more at this time than making all needful repairs, and keeping the canals in a good navigable condition, cannot be obtained without

increasing the present state tax, or disregarding the public faith. The former I deem highly inexpedient, and the latter entirely inadmissible."

He nevertheless adds:

"While I approve of the present policy of the state forced upon us by the exigencies of our situation, it cannot be denied that it has been attended with some injurious results. Individuals in some instances have been incommoded by the unfinished state of new bridges, designed to take the place of old ones removed; and in several places roads and streets have been so obstructed by the progress or changes made in the suspended works, as to cause considerable public inconvenience. I do not doubt that the legislature will feel it to be their duty to remove all just grounds of complaint, in regard to these subjects. What is necessary to be done for these purposes, cannot be regarded in any other light than as repairs, and the inconsiderable expenditure required can, in my opinion, be made without a departure from the policy of 1842. Where new structures are so nearly finished that it would cost less to complete them than to keep in repair the old ones they were designed to supersede, they should, in my judgment, be put in a condition to be used. Whether the new structures shall be brought into use in such cases, instead of sustaining the old ones, is only a question as to the best mode of making repairs, and keeping the canals in a good navigable state, and where economy is best consulted by completing the former, that course should be pursued. Under this impression, I recommend that the canal board be authorized to complete such new works as, in their opinion, can be done with better economy than to sustain those designed to be superseded. It is also

proper that I should suggest that some parts of the new works suspended are exposed, in the condition in which they are left, to great and permanent injury. Where this can be prevented, at an inconsiderable expense, compared with the damages likely to be sustained, good economy requires it to be done. I commend the subject to your attention."

It is obvious that the governor was desirous, on the subject of expenditures by the state, to take a cautious middle course between the extremes of the two sections of his own party. But the great subject discussed by the governor in his message, and which had, for some time previous to the meeting of the legislature, engaged the attention of the public, was, whether a convention should be called to revise and amend the constitution. This measure was urged principally for two reasons:—

First. From the increase of the population and business of the state, more judicial force, and a different organization of the courts, had become absolutely necessary.

Second. A general opinion began now to prevail that some restrictions on the power of the legislature to loan the money or the credit of the state to corporations, or to increase the public debt by undertaking to construct new roads or canals, should be adopted and made a part of the organic law.

But while a large majority of the people, and probably of the legislature, conceded that these alterations in the organic law were necessary, and indeed indispensable, when any specific amendments involving these principles were proposed in the legislature, they differed so much about the details, that hitherto they had been unable to settle upon any distinct propositions to submit to the people, which could obtain the support of a con-

stitutional majority of the two houses. Hence the friends of reform insisted that a convention was absolutely necessary.

The governor in his message took ground against the call of a convention, and argued the question with great ability. He admitted that the constitution required amendment in several particulars, and especially in regard to the points we have mentioned, but he insisted that all the necessary amendments could be made if a proper spirit of compromise should prevail; and he believed that by this course the expense and hazard of inviting a convention (for an act for calling one would be a proceeding beyond the pale of the constitution) might be avoided. After advising specifically several amendments, the governor concludes by saying:

"The foregoing suggestions for amending the constitution are based on the conviction that all required modifications can be effected in the manner prescribed, and that the people prefer the established and economical mode of acting upon distinct and clearly-defined propositions: and that a convention can only be necessary when the legislature shall fail to agree upon such amendments as may be demanded by the popular sentiment; and even in that case, the question should first be submitted to the people."

The message, taken as a whole, is a very able one, and written in a style quite superior to his first message.

From a view of the proceedings of the legislature at its session in 1843, the radicals suspected, and some of them believed that an association had been formed, with Governor Bouck at its head, which combined the banking and internal improvement interests, the object of which was to change the policy estab-

lished by the act of 1842; and they suggested that the resolutions of democratic conventions held in some forty or fifty counties during the summer and autumn of 1843, decidedly and warmly approving of the law of '42, induced that class of politicians to abandon their object; and hence they said that the Argus, in October, 1843, announced itself in "*favor of Gov. Bouck's debt-paying policy.*" Their intentions and this combination were and are denied by the hunkers. If such combination ever existed, we do not believe all the members or even all the leaders of the hunker party were privy to it, for we have conversed with more than one gentleman of veracity of that party who deny all knowledge of such an association.

It is certain, however, that Mr. Hoffman and Col. Young believed such to be the fact, and therefore arrived at the conclusion that a constitutional convention, or rather a constitutional provision, was absolutely necessary in order to secure the permanency of their favorite policy.

We say Mr. Hoffman arrived at this conclusion, because, soon after the termination of the general election in November, 1843, about fifty radical citizens of Albany signed a call for a meeting at the capitol for the purpose of sustaining the cause of constitutional reform, through the agency of a state convention. The meeting was held on the 21st of November, of which the Hon. Bradford R. Wood was chairman. The following were among the resolutions adopted by that meeting:

"Resolved, That we believe the constitution of this state needs revision and vital and elemental modifications, both in the extent of the power to be delegated by the people and in the manner of its administration; that

these changes include the entire prohibition of the right of government to entail a public debt upon the people, except in time of war or insurrection, without their consent expressed directly through the ballot-boxes; and also the right to erect privileged incorporations, the members of which shall enjoy a dispensation from the ordinary obligations of debt; that they also contemplate the limitation of the central power of government, by the return to the people in their town and county organization—first, of the power of the legislature over matters of merely sectional interest, and, second, of the power of the executive over the local administrative and judicial officers of the state; that they contemplate also such a modification of the state judiciary as shall ensure to the people a cheap and prompt administration of justice, and dispense with the necessity of a tribunal of last resort, armed both with judicial and legislative power, and using one to justify and fortify the other.

“Resolved, That we seek these changes through the agency of a convention, constituted by law, and representing the whole people; because repeated unavailing efforts by the people have shown that it is hopeless to seek of the representative body the limitation of its own power; because the combinations of local and corporate interests in that body are already armed, by the constitution, with a VETO POWER against the people, which will almost inevitably defeat the popular will: because we believe, with Jefferson, that a solemn opportunity should be afforded to each generation to reconsider and revise the charter of their rights and liberties, to accommodate it to the circumstances in which they live, and to renew in its behalf the expression of their loyalty and devotion.”

The first of the above resolutions, it will be seen, shadows forth some of the material alterations which were actually made by the convention of 1846. Mr. Hoffman attended this meeting, and the editors of the *Atlas* say made a speech which occupied two hours in its delivery.

The *Argus* speaks coldly of the meeting, and concludes a brief article on the subject by saying:

"We believe also, in the language of the St. Lawrence resolution, 'That the best mode of effecting constitutional reform is to promote the adoption, in the manner prescribed by the constitution, of those amendments which are of most pressing importance to the public welfare.'"

It is very probable that these proceedings, and the ground taken by several of the democratic newspapers in the state, induced Mr. Bouck to occupy a large portion of his message in discussing the question whether a convention ought to be called.

Immediately after the organization of the assembly some difficulty occurred in forming the standing committees. The three great committees of the house were the committee of ways and means, that on canals, and that on the judiciary. Messrs. Seymour, Allen, and Bosworth were all ambitious young men, distinguished for their talents, and leaders in the hunker party. It was therefore desirable to place each of them at the head of an important committee. Mr. Hoffman in 1842 was chairman of the committee of ways and means, and from his age and standing the public feeling would not tolerate displacing him; and if he was made chairman of that committee, only two important committees were left to be apportioned among the three gentlemen - e have

mentioned. In this state of things, Mr. Allen, chairman of the committee on the rules of the house, consisting of himself, Seymour, Hoffman, Bosworth, and Hulbert, reported in favor of creating a new standing committee, to be called the committee on amendments to the constitution, to whom all matters in relation to that subject should be referred. This proposition was opposed by Messrs. Hoffman, Stevens, and Hulbert, and supported by Messrs. Allen, Seymour, and Bosworth. In the progress of the debate, Mr. Youngs, of Queens county, moved to amend the report by striking out so much of it as related to the appointment of the new committee on constitutional amendments, and the motion was adopted by the large vote of 98 to 36. In the end Mr. Hoffman was appointed chairman of the committee of ways and means, Mr. Seymour of that on canals, and Mr. Allen of the judiciary committee. A select committee was ordered on that part of the governor's message which related to amendments of the constitution, of which Mr. Bosworth was appointed chairman.

It will be seen by the vote on the report of Mr. Allen, proposing to make alterations in the rules of the house, that although Mr. Hoffman failed of being nominated for speaker, soon after the house was organized the majority of that body was with him. A reliable correspondent from Albany says: "A few days after the choice of speaker, on three successive occasions he (Mr. Hoffman) carried with him, against the speaker and his three friends, Seymour, Bosworth, and Allen, a majority of the house, and two to one of the democratic members. This alarmed them. Bosworth joined Hoffman, leaving Seymour alone to combat him, while Allen was sometimes with Seymour and sometimes with Hoffman;

bnt," adds the same correspondent, "these three young and very clever men were *secretly\** acting in concert." "The *people's resolution*" was passed. Seymour opposing and voting against it. But when they came to the subject of the finances, Bosworth suddenly left Hoffman, and denounced him in the house. This, with what the influence of the governor had done, left Mr. Hoffman in a small minority on the questions relating to the canal and financial policy advocated by Messrs. Seymour and Bosworth, as we shall state more fully hereafter.

During this session, various important questions were discussed, as well in the senate as in the assembly. These questions, and the debates to which they gave rise, we should take pleasure in reviewing, did our limits allow; but to give in detail a history of the legislation of the session, would swell this volume to an unreasonable size. The movements, however, in relation to the nomination and election of president, and the nomination of a candidate for governor at the fall election in 1844, are, independent of the action of the legislature, so highly interesting and important, that we feel bound to describe some of those movements.

It is however to be remarked, that there were two great and controlling subjects which occupied the attention of the legislature, and to which most other matters that came under consideration were rendered sub-

\* Our correspondent evidently means to allege this as his opinion merely, and not as a fact within his knowledge, and we think he misjudged. Messrs. Allen and Bosworth, and especially the latter, were balancing between Mr. Hoffman and Mr. Seymour. They probably thought Hoffman's notions on the subject of expenditures for internal improvement too stringent, and Mr. Seymour's too liberal.

servient ; these were the amendments to the constitution, and the financial and internal improvement policy of the state. We shall therefore mainly confine ourselves to the history of the legislation on these great questions ; but before we enter on that history, we will mention some occurrences not immediately connected with the action of any or either of the political parties, which happened this year.

Mr. Foster is entitled to the honor of having, on the second day of the session, introduced resolutions in favor of a reduction of postage. They were as follows :

“ Resolved, (if the assembly concur,) That in the judgment of this legislature, the rates of postage as established by law, are excessive, and highly burdensome to a portion of the citizens of the United States : that the high postage now charged is calculated to prevent the use of the mails as a medium of communication ; to encourage the establishment and support of rival modes of conveying mail-matter, in defiance of the post-office laws ; and to prevent that free interchange of communication by letter which is desirable to all.

“ That the franking privilege, as at present authorized, is unequal and unjust in its operation ; tending to load and encumber the mails with much useless matter ; is very frequently exercised in violation of the law of congress ; increases the expense of transporting the mails, and of the post-office department : and that expense, instead of being defrayed by the whole people of the Union, in proportion to their ability, is made a charge upon the correspondence of the country, and an onerous tax upon the business of the people.

“ That, if the franking privilege is to be continued, we

perceive no good reason why its expenses should not be made a charge upon the general treasury, and be paid by the whole people in proportion to their contributions to the other expenses of the general government, rather than to continue the present system, which levies the whole amount upon those whose business or other correspondence compels them to use the mails as their medium of communication."

We copy these resolutions because they present, in substance, the plan ultimately adopted by congress, and also the reasons for the proposed reduction; but one reason for such reduction is omitted. It is this. If the rates of postage are to be regarded as a tax, (and most assuredly they are such, and exacted with a view to raise a revenue sufficient to defray the expenses of the department,) such tax is palpably unequal. At the present reduced rates of postage, the states north of Mason and Dixon's line pay enough to reimburse the department for all its expenditures in those states, and leave a very large surplus, which is applied to pay for the transportation of the mail in the southern and southwestern states. Thus the people of the north actually pay for the delivery of letters, &c., to the people of the south. Hence, if we rightly recollect, every member of congress from the slave states voted against the reduction of postage.

On the 8th of February, Mr. Foster was chosen by ballot, eighteen to seven, president pro tempore of the senate. This token of respect was justly due to him for his arduous and able labors in that body, and to his distinguished talents.

On the 11th of February, after a short but severe illness, Judge Cowen died in Albany. Among the many

instances in the state of New York of self-made men, Judge Cowen was one of the most distinguished. He was a native of Rhode Island, and at an early age migrated to this state, entered the office of Judge Skinner, at Sandy Hill, with very little, if any classical education, and when admitted to the practice of law, located himself in the county of Saratoga. His persevering and incessant application to the appropriate studies of his profession, soon gave him the reputation of a learned lawyer, and he was appointed reporter to the Supreme Court, organized under the constitution of 1821. The eight volumes of his reports of the proceedings of that court, and his elementary writings, particularly the work entitled "Cowen's Justice," a book of humble pretensions, but really one of the most *useful* books to be found in the library of the lawyer, will transmit his fame to the latest posterity. In 1832 he was appointed circuit-judge of the fourth circuit, and subsequently he was appointed a judge of the Supreme Court. He discharged the duties of this office with distinguished ability, integrity, and independence, for sixteen years, and until his death. Unaffected and modest in his deportment, and with great simplicity of manner, he was a man of immoveable firmness and great decision of character. So assiduous had been his application to his studies, and so retentive was his memory, that he was literally a walking law-library. The only official error he ever committed was his decision in the case of M'Leod; and if that was an error, it was one of the heart, growing out of his sympathy for his friend, Mr. Papineau, and other Canadian patriots,—a sympathy which caused a bias in his honest and independent mind, of which he was not aware. His son, Sidney Cowen,

Esquire, a young man of great promise, died about a year after his father.

Both houses of the legislature, on being informed of the death of Judge Cowen, adjourned; and at a joint meeting, adopted, on the motion of Gen. Clark, senator from the fourth district, who delivered an eloquent eulogy upon the character and merits of the deceased, resolutions suitable to the occasion.

On the 20th of February the governor, by consent of the senate, appointed **SAMUEL BEARDSLEY**, then a distinguished member of congress, and whom we have mentioned in the second volume of this work as an influential member of the senate of this state, a judge of the Supreme Court, to supply the vacancy produced by the death of Judge Cowen. Mr. Beardsley is a clear-headed, sound, and able lawyer, and the appointment was well received by the bar and the public.

On the 20th of March, Gen. Peter B. Porter died at Black Rock, in the 71st year of his age. Gen. Porter was a man of extraordinary native sagacity, and highly cultivated mind. He was one of the first canal commissioners. His colleagues were—De Witt Clinton, Gouverneur Morris, and Stephen Van Rensselaer. He was also one of the earliest settlers in Western New York, and was a politician of great efficiency and influence. He held various important offices, the last of which was secretary of war, under the presidency of John Quincy Adams.

On the 4th of May, James V. L. Pruyn and James S. Wadsworth were appointed regents of the university, in place of Amasa J. Parker and John C. Spencer, both of whom resigned.

**JOHN P. CUSHMAN**, of Troy, who had been appointed

the successor of Judge Vanderpool, circuit-judge of the third district, and had discharged the duties of that office in a manner creditable to himself and highly satisfactory to the public, having arrived nearly to the age of sixty years, resigned his office, and AMASA J. PARKER, of the county of Delaware, was appointed in his place. The appointment of Judge Parker was well received, as he was favorably known as a lawyer and as a member of congress, and had discharged his duties in a satisfactory manner; but his peculiar fitness for discharging the duties of the office to which he was now appointed was not then known. He is now a judge of the third judicial district, elected by the people when and where there was a strong political majority against him. This single fact is better evidence of his merits than any written or printed commendations can be.

THOMAS FARRINGTON was, on the 5th day of February, elected treasurer to the state for the ensuing year.

We have, in a preceding chapter, noticed the death of Judge Thompson. This event left the great state of New York without a justice of the Supreme Court of the United States. Soon after the meeting of congress in December, 1843, Mr. Tyler nominated JOHN C. SPENCER, then a member of his cabinet, for the successor of Judge Thompson, but the senate rejected his nomination by a vote of twenty-six to twenty-one. The senators from this state, Wright and Tallmadge, voted to confirm his nomination, and so in fact did nearly all the democratic senators. His rejection was caused by almost a unanimous whig vote against him. Considering the great legal learning, industry, capacity for intellectual labor, and the talents of Mr. Spencer, it may be

a subject of regret that he was not made a member of that high and important court. The whigs, however, had much reason to be dissatisfied with his political conduct. Unfortunately for that party, the death of Gen. Harrison had cast the executive government on Mr. Tyler, who, although nominated by a whig convention, of which he was himself a member, and professing whig principles, soon after the government was cast upon him, vetoed some of the most important and favorite measures of the whig party, and distributed the national patronage in a manner at war with the interests and wishes of an immense majority of the party. In consequence of this course, which was regarded as a breach of faith, the cabinet officers who were appointed by Gen. Harrison, that is to say, Mr. Ewing, secretary of the treasury, Mr. Bell, secretary of war, Mr. Granger, postmaster-general, and Mr. Crittenden, attorney-general, resigned their offices, leaving only Mr. Webster, the secretary of state, who elected to remain, under the pretence that he thought it his duty to continue in the department of state until the controversy between Great Britain and the United States respecting the true boundary of the state of Maine could be adjusted and settled. In this state of things, Mr. Spencer accepted from Mr. Tyler the appointment of secretary of the war department. The whigs considered this acceptance as an abandonment of his party, and a commitment, on his part, to support Mr. Tyler in his course, which they considered not only injurious to the interest of the nation, but as personally treacherous. Every act of Mr. Tyler and his cabinet, in conferring the patronage of the government upon the political enemies of the whigs, which from time to time was done, increased the irrita-

tion and resentment against him and his cabinet, and especially against Mr. Spencer. The whigs at that time had a majority in the senate, and to the state of feeling we have described we presume the rejection of Mr. Spencer's nomination may be charged.

After the question respecting Mr. Spencer's appointment was disposed of, the president nominated SILAS WRIGHT for the vacant judgeship; but the moment he received notice of his nomination, he respectfully declined the appointment. His refusal was anticipated; for though no direct notice of the president's intention to nominate him had been given, intimations of such intention had been made darkly to him, which he either did not understand, or refused to seem to understand. It was therefore inferred that he was not desirous of receiving the appointment. Why did he not accept the office? The office of judge of the Supreme Court of the United States is one of the most desirable offices within the gift of the nation. It is the duty of a judge to abstract himself from all party controversies and collisions. His office is one of great dignity. He is entirely independent of popular or court favor. He holds it for life. The salary is liberal, and it is a life-estate of four thousand dollars a year. Why, then, did Mr. Wright not accept such an office, tendered to him unsolicited? Some of his reasons may have been the following:

He may have been attached to his seat in the senate. It was a theatre for which nature, education, and his natural temperament, had peculiarly fitted him. He no doubt was conscious that he was rendering his country service there; if he changed that position for another, it might be doubtful whether he could in that other posi-

tion be as useful. At any rate, it was an experiment which he might deem it hazardous to make.

Again: The presidential election was soon to take place, and he might have doubted whether his duty to his friends would permit him to withdraw from the political field before the approaching contest was decided. Mr. Wright had been, and still was, the inflexible political opponent of Mr. Tyler. So were that portion of his constituents who had placed him in the senate. Was he at liberty to accept an office from an administration to which his constituents were all but unanimously opposed?

But the consideration which must on this occasion have pressed with overwhelming force on such a mind as that of Silas Wright, was, that the question of the annexation of Texas was either then before the senate, or was about to come before it, and it was anticipated that the senate would be nearly equally divided in relation to that measure. Mr. Wright was opposed to annexation. A war with Mexico, with all its dreadful consequences, and the liberty or slavery of unborn millions, might depend upon a single vote in the senate. Could Silas Wright abandon his post in the senate when one vote might produce results so momentous? No, he could not—he did not. Mr. Wright, from a nice sense of honor and a patriotic devotion to the cause of his country and to human liberty, declined the proffered appointment. He did remain in the senate, and he did vote against the annexation of Texas.

After Mr. Wright's settled determination to refuse the appointment was made known to the president, he nominated Chancellor Walworth. This was an excellent nomination. His long experience as a judge, his varied

and extensive legal attainments, and his indefatigable industry, would, beyond question, have rendered him one of the most useful members of the Supreme Court. His nomination was very popular in this state; but in the winter of 1841, the whigs held a majority in the senate of the United States, and at that time they confidently expected that the presidential election, which was to take place in the succeeding autumn, would result in the election of a whig president. When, therefore, the name of Chancellor Walworth was sent to the senate, the whig members generally were in favor of postponing action upon the nomination until after the election, in the hope that an appointment, politically more agreeable to them, might be made. There were, it is true, a few of the whigs whose personal regard for the chancellor overbalanced their political partialities, and who were desirous that his nomination should be confirmed; but Mr. Berrien, from Georgia, effected an arrangement with some of the democratic western senators, by which they agreed, if their aid should become necessary, to vote in favor of the postponement of the question on Mr. Walworth's nomination. With the motives which induced the democratic western senators to make this arrangement with Mr. Berrien, we are unacquainted; but the result was, that the president's message nominating Mr. Walworth was laid on the table, and the session passed away without any action upon it by the senate.

It has been reported, and it was believed by many, that some of the southern senators opposed the appointment of the chancellor because, in giving an opinion in a case which came judicially before him, he had incidentally declared that slavery was a national and "lo-

cal" evil.\* This report, however, was not well founded. When the chancellor's name was first mentioned as a candidate for the office, his expression in the case to which we have referred was mentioned as an objection against him by some of the southern gentlemen; but the matter was soon after explained so as entirely to obviate and remove opposition on that ground from the minds even of those who were the most sensitive on the subject of slavery. The question, therefore, remained undecided until the winter of 1845, when all the judges of the Supreme Court of New York, and the most distinguished lawyers, and all the members of the legislature, without distinction of party, signed and forwarded a petition to the senate praying the confirmation of the chancellor's nomination.

The election of Mr. Polk had removed the cause of the desire of the whigs to further postpone the appointment of a successor to Judge Thompson; and when the petition just mentioned reached Washington, the nomination of Mr. Walworth would undoubtedly have been confirmed, had not Mr. Tyler, about that time, sent a message to the senate withdrawing the chancellor's name, and nominating Samuel Nelson, then chief-justice of this state, in his place. What produced this movement of the president is not known. He might not have been apprized of the change of opinion favorable to the chancellor which had lately occurred in the senate, and may have supposed that the name of Chief-Justice Nelson would be more acceptable to a majority of that body; or his action may have been caused by occur-

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\* 14 Wendell, 507. *Jack vs. Martin.*

rences which will be related when our narrative reaches the year 1845.

It gives us pleasure to be able to state, that Judge Nelson had no voluntary agency in defeating the appointment of the chancellor. He had himself written in favor of that appointment; and we have been assured, from a most reliable source, that he acted in the transaction with perfect fidelity and good faith to his friend.

The nomination of Judge Nelson was confirmed on the 13th of February, 1845.

## CHAPTER XIV.

Gen. Chamberlain's Resolutions—Mr. Dennison's Report on the Canal Policy and Bill—Assembly's Finance Bill amended in the Senate, and passes—The state of feeling in the Assembly and Senate between the Hunkers and Radicals—B. F. Hall's Bill for a Convention, and proceedings thereon—Bill for electing Canal Commissioners—Removal of Mr. Cassidy from the office of State Librarian—Policy of the Whigs—Calvin H. Hulburd—Democratic Legislative Caucus—Protest of the minority—Whig Legislative Address.

THE subject of increasing the expenditures for internal improvements by a partial resumption of the public works, which had been suspended by the act of 1842, was, in the early part of the session, brought before the senate by a resolution which was offered by Gen. Chamberlain, a resident of the county of Allegany. The resolution contained a preamble, which, after quoting the first sections of the two acts of the legislature passed in the year 1836, by which the canal commissioners were directed to construct and *complete* the Genesee Valley and Black River canals, states that—

"Whereas, the people of the state, by their agents, the canal commissioners, have proceeded, under the several acts above specified, to the construction of the said canals, and have actually expended on the Genesee Valley Canal about three millions five hundred thousand dollars, and leaving only about one million of dollars to complete the same: also, on the Black River Canal, there has been expended about one million five hundred thousand dollars, leaving to be expended to

complete the same, about three hundred thousand dollars, showing that the works are more than three-fourths completed, and but a small portion brought into use.

"And whereas, vast amounts of property have changed hands, and large sums of money have been invested, in view of the completion of said canals, and many other business arrangements have been made with the same view, by a large and respectable portion of our fellow-citizens; therefore,

"Resolved, That in the judgment of this senate, the faith of the state is solemnly pledged to those people interested to carry forward those works to completion, as soon as the finances of the state shall be in a condition to do the same; and if not now in such condition, good economy requires that the works in progress should be protected and preserved."

This resolution was considered and discussed in the senate on the 19th day of February, when the mover made an elaborate speech in favor of its adoption. But as the spirit of the resolution evidently contemplated a departure from the policy of 1842, it does not seem to have gained much favor in the senate. Petitions for a resumption of the public works, and claiming that by the acts of 1836 the state was *pledged* to *complete* these canals, or pay damages to those who had made investments in their vicinity on the faith of those supposed pledges; and also a bill to provide for the preservation and protection of the works on the unfinished canals of the state, were referred to the canal committee, consisting of Messrs. Dennison, Varian, and Rhoades.

On the 21st of March, Mr. Dennison made a report on the petitions and proposed bill, Messrs. Varian and Rhoades dissenting.

This report must have cost Mr. Dennison much time and labor. It is exceedingly well written, and evinces much talent and great energy of mind. As this report may be supposed to embody the views of the state officers and the radicals of the senate, we will endeavor to present a sketch of it.

Mr. Dennison commences by giving a brief history of the canal policy, and showing that no indebtedness was incurred for the construction of the Erie and Champlain canals, without, at the same time, providing by law for the payment of the interest and repayment of the principal: he says—

“We are to judge of the wisdom of the early friends of internal improvement in this state, by their actions and their works; and these will bear the severest scrutiny which time and experience can apply. *With those men, the work to be done, and the ways and means to do it,* were never for a moment separated. A prominent and vital part of the original canal policy of this state, is the plan adopted for providing the ways and means to pay for the works when completed.”

Mr. Dennison believes with Col. Young the following to be a good general rule: that no work should be undertaken or recognised by the state that will not, when completed, sustain itself, pay the interest on its cost, and contribute something towards a sinking fund to redeem the principal.

He then shows that the lateral canals, to wit, Oswego, Cayuga, and Seneca, Chemung, Crooked Lake, Chenango, Genesee Valley, and Oneida Lake, do not, in the aggregate amount of tolls received from them, pay a sum equal to the amount paid by the state for their repairs; that the repairs in 1843 cost \$84,065.07, while the tolls

amounted only to \$80,146.60. In illustration of the views of the committee in relation to the construction of the lateral canals, the report takes an extended notice of the history and operations of the Chenango Canal. Engineers of the highest character, after a careful examination, certified that the canal could be constructed for a million of dollars, and the amount of tolls to be received was estimated at from \$110,843 to \$166,844 annually. Experience had shown that this canal had cost \$2,417,000, and the amount of tolls received from it in 1843 was \$16,194.75. The annual loss to the state caused by the construction of the Chenango Canal, the committee estimate at \$123,618.04.

In proof that it was unwise for the state to engage in the enterprise of constructing the Chenango Canal, Mr. Dennison presents a supposed case, to which it seems difficult to furnish a satisfactory reply. The supposed case shows that a road might be constructed by the state, and all the produce transported by wagons, which was then conveyed on the canal, (the amount of tonnage transported on the canal during the year 1843 having been ascertained by the committee to be 17,177 tons,) at a less loss to the state than has been incurred in consequence of the construction of the canal. The illustration of this proposition to us is original, and certainly is ingenious, and we therefore copy it :

" Ninety-seven miles (the length of the Chenango Canal) of the best graded and gravelled road, could have been made through the Chenango valley at \$4,000 per mile, and would cost at that rate \$388,000.

" All the tonnage on this canal, viz. the 17,177 tons, does not pass the whole distance : but say the whole of it is transported 60 miles, which is a liberal estimate.

"To hire 160 teamsters at \$2 per day, for 300 working days in the year, would require \$96,000. They would have easy work in going the sixty miles and returning in four days; and on such a road as the above sum would make, they could draw with convenience, with a single team, one and a half tons per load, returning empty. They could therefore draw to the Erie Canal, 75 loads each per year, and have the earnings of the returning teams. The total tonnage which they could draw is 18,000 tons.

"The first cost of constructing this canal is. \$2,417,000  
"To construct the above road would cost.. \$388,000  
"An investment at five per cent. to produce  
\$96,000 per year, to pay the teamsters,  
would be ..... 1,920,000

Total ..... \$2,308,000

"Leaving as a sinking fund, or to extend,  
repair, and improve the road ..... \$109,000

"Thus it is seen, it would have been cheaper for the state to have made a road and hired teamsters at expensive rates to transport the produce of that country in ordinary wagons; and the community would have had the free use of the road for common purposes."

The report then proceeds to give a history of legislation as respects the construction of the Black River Canal, and it reviews the proceedings in relation to the Genesee Valley Canal: and as in the case of the Chenango Canal, it shows that in each of these canals the state would have been a gainer had it constructed a road at an expense of \$4,000 per mile, and paid teamsters at the rate of two dollars per day for transporting, free of ex-

pense to the Erie Canal, all the produce which for many years will be transported on these canals when completed. After taking this view of the subject, Mr. Dennison remarks, that "a distinguished senator from the fourth district (Col. Young) many years ago prophesied in his place that the time would come when those legislators who were pressing the construction of these and kindred works, would deny before heaven and earth their agency in fastening them upon the state. The debates in the legislature and among the people for the last few years, have fulfilled this prophecy. Each political party literally hastens to escape from them, like Lot of old from the conflagration of Sodom and Gomorrah. Each brings a railing accusation, and charges their construction upon the other. Fortunate would it be for the people, if the debt and taxation under which they groan could be fastened where the sin belongs—upon the speculators and demagogues."

There can be no doubt that the members of the legislature were induced to undertake these works in consequence of the erroneous estimates of their expense made by the engineers. The highest estimate of the expense of constructing the Chenango Canal was \$1,000,000—it actually cost \$2,417,000. The first estimate of the cost of the Black River Canal was \$437,739.25, the next was \$602,511, and the last, upon which the legislature acted when they undertook the work, was \$1,019,221.72. This estimate was made by Mr. Jervis; but, *after the work was commenced*, Mr. P. R. Root calculated the expense at \$2,431,699.29. There has been already expended on this canal \$2,067,285.05, and the cost of its completion is stated at not less than \$737,817.67, making a total of \$2,805,102.72. The highest estimate of the Genesee

Valley Canal, and that on which the work was undertaken by the legislature, was \$1,774,372.12 ; after money had been expended, in pursuance of the law, for the construction of this canal, Mr. Mills, *the same engineer* on whose estimate the legislature acted, reported the expense of the work at \$4,900,122.44. There had, when this report was made, been expended \$3,553.000, and Mr. Dennison calculates the expense of finishing this canal at \$2,000,000. The very great disparity between the estimated and actual expense, forces upon the mind the painful conclusion that some of these engineers, acting as they did under their responsibility as state agents, were either grossly and culpably ignorant or negligent, or that they were corrupt. Well might Mr. Dennison say, in another part of his report, in answer to the claim of the applicants that the faith of the state was pledged for the completion of these works, that if such pledge had been given it was given in consequence of false and fraudulent representations.

Mr. Dennison also presents a rapid and perhaps rather too sombre view of the financial concerns of the state, and arrives at the conclusion that the public works cannot be resumed without laying an additional direct tax, and he expresses the same opinion as respects further expenditures in enlarging the Erie Canal: the result at which he finally arrives, is expressed in the following propositions and resolution :

" 1. The tolls of the canals and revenue of the state, by the act of March 29th, 1842, entitled ' An act to provide for paying the debt and preserving the credit of the state,' are pledged to the public creditors, and that law, with all its guaranties and pledges, must be rigidly observed until our debt be paid.

"2. The public works cannot be resumed without a resort to additional direct taxation, to which the people will not and ought not to submit.

"3. The state having entered upon the construction of the unfinished canals, without a full knowledge of their cost and demerits having been communicated to the people, the legislature ought not to appropriate any money to be expended in their construction, until the people, who have to foot the bills, in the exercise of their sovereign power command it to be done; and the committee will not recommend a direct tax to preserve them.

"4. The interests of the people require no legislation on the subjects referred at this time; and therefore the committee respectfully submit the following resolution:

"Resolved, That the committee be discharged from the further consideration of the bill and petitions."

About one month after this report was made in the senate, [23d of April.] Mr. Seymour, from the committee on canals in the assembly, made a report on that part of the governor's message which related to canals. That committee consisted of Messrs. Seymour, M. L. Harris, Linn, S. Cole, and Dickinson. This report was drawn by Mr. Seymour, and occupies seventy-one large octavo pages. We do not hesitate to pronounce it one of the ablest and best-written documents ever presented to a legislative body. We should do injustice to the author of it were we to pretend to give a skeleton of it. From the able and masterly review that it takes of our system of internal improvements, the great mass of well-arranged facts it contains, its lucid, candid, liberal, and able reasoning, and the brief, but intelligent picture it presents of the finances of the state, it will amply reward any

person for the time which the perusal of it would occupy. It ought to be read by every statesman and legislator, who desires to be acquainted with the situation of the public works and the financial condition of the state in the year 1844. It will be found in Vol. VII. of the assembly documents of that year, No. 177.

We will merely remark, that the report unequivocally takes ground in favor of sustaining and carrying out all the pledges of the act of 1842; that it shows there will be a surplus of revenue after redeeming those pledges; that it admits the necessity of suspending the enlargement of the Erie Canal, but recommends the employment of the surplus revenue in enlarging the locks upon it, in preserving the unfinished works, and in gradually progressing with the construction of the Black River and Genesee Valley canals; and where unfinished parts of the enlarged canal can be completed, at an expense not greater than that of repairs to contiguous parts of the old canal, as in the case of the Schoharie Creek aqueduct, the report recommends that such parts should be completed. The report condemns and repudiates the pre-existing policy of creating additional debts for the purpose of constructing new canals or enlarging the Erie Canal, and it commends the policy recommended by Mr. Flagg and the canal board in 1835, that only the surplus revenue of the canals should be used for those purposes.\* The following are the concluding paragraphs of the report:

"The present period is eminently favorable for the establishment of a system of improvements which shall

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\* It is worthy of remark, that the principles advocated in this report are substantially those adopted by the last constitutional convention, and are now a part of the organic law of the state.

not conflict with the rapid payment of our great liabilities. But to accomplish this, the subject must be approached and treated with the fairness and candor its importance demands. If, stimulated by success, we have, in a period of excitement and delusion, exceeded the bounds of prudence or discretion, we have but fallen into the errors which ever attend upon the progress of human enterprises. The errors we have committed are not without their utility or profitable teachings. The corruptions of extravagance, and the bitter consequences of indebtedness, have produced their own correctives, and public opinion, admonished by the past, has returned to its accustomed and healthful channels, from which it will not be readily diverted. There is no portion of our citizens who desire to increase our state indebtedness, or to do ought to the detriment of our common interests, when they are shown the evils that inevitably follow in the train of borrowing large sums of money, to be repaid perhaps in periods of pecuniary distress and embarrassment. But just views of political economy are not to be disseminated by harsh denunciations, which create the suspicion that there is more of hostility to the interests of those assailed, than an honest desire to protect the treasury of the state. Neither is it true, on the other hand, that any considerable number of our citizens are opposed to the extension of our canals when it can be effected by the aid of surplus revenues.

"The issue, which has been made between improvements on the one hand and finances on the other, is a false and unnatural one. And if the committee have succeeded in establishing the truth of their positions, we may and should have in this state a liberal system of in-

ternal improvements, furnishing the elements of and predicated upon a sound financial policy."

With this report Mr. Seymour introduced a bill, a summary of which we copy from the Albany Argus:

"Sec. 1. Authorizes the canal board to direct the canal commissioners to cause to be made such repairs and improvements on unfinished work on the enlargement of the Erie Canal, as may be necessary to bring the same into use, in cases where said board shall decide that it is better economy, or more for the interest of the state, to bring into use such new work, than it is to repair and continue in use the old work for which it is to be substituted, and where the contractor shall have been settled with for any claim which he may have on account of said work.

"§ 2. Before the canal board shall direct any such repairs or improvements as are contemplated in the first section, they shall have, from the canal commissioners, estimates of the probable expense to be incurred in making the same, and also a particular statement of the condition of the old work, for which said new work is to be substituted.

"§ 3. Authorizes the canal board to direct the commissioners to construct and maintain any bridges over the Erie Canal which according to law they might construct or maintain, but for the provisions of chap. 114, of the laws of 1842.

"§ 4. Authorizes the canal commissioners to use any materials that have been paid for or estimated to contractors on the enlargement of the Erie Canal, on any work that may be done under this act, or for any repairs on the Erie Canal.

"§ 5. Requires the commissioners, under the direction

of the canal board, to protect or secure from injury, in the manner directed by the board, the public works on the enlargement of the Erie Canal, or on any of the unfinished lateral canals, that have been completed and not brought into use, or that have been commenced and not completed, or the materials that have been procured and paid for or estimated to contractors for such works; and to sell any materials that have been paid for or estimated to contractors for any work on said enlargement or said lateral canals.

"§ 6. The expenses of securing from injury any finished or unfinished work, under the fifth section, to be paid from the proceeds of the sale of any materials under that section, or from the revenues of the Erie Canal, to an amount not exceeding the value of any materials used for any repairs on the Erie Canal; the deficiency, if any, to be paid from any surplus of canal revenue, after complying with the pledges of the act of 1842.

"§ 7. The commissioners to account to the canal board for all materials used or disposed of under this act.

"§ 8. Directs the canal commissioners to finish the aqueduct over the Schoharie creek, and the new work necessary to bring it into use for canal navigation; also to complete and bring into use the new line of the Erie Canal extending from a point ten chains east of the aqueduct across the Nine Mile Creek to the village of Jordan.

"§ 9. The commissioners to make such repairs and improvements as may be directed by the canal board under this act, in the same manner that they are required to make repairs and improvements on any completed canal, by chap. 9, title 9, art. 2. of the first part of the Revised Statutes.

"§ 10. Whenever the canal board shall decide that

any work done or improvement made on the Erie Canal under this act is a just repair of said canal, or that the same is necessary for the security, or for the convenient use of said canal, or for the interest of the public creditors of this state, or that it will be the best economy in a period of twenty-two years to make any improvement contemplated by this act, then the expense of making any such improvement shall be paid from the revenues of said canal as a repair ; otherwise the same shall be paid from any surplus revenues of the canals, after complying with the pledges and guarantees of chap. 114, of the laws of 1842."

The report of Mr. Seymour has been considered as antagonistical to that of Mr. Dennison, and hence it may be regarded as inconsistent to commend both. But upon a careful examination, it will be perceived that there is no material difference in the *principles* advocated by each, except that Mr. Seymour's indicates an opinion, that whenever the revenue arising from the canals shall yield a surplus over and above a sum sufficient to redeem the pledges contained in the act of 1842, such surplus should be applied to defraying the expenses of enlarging the Erie and completing the construction of the Black River and Genesee Valley canals. Mr. Dennison, on the contrary, was of the opinion that that surplus, if there should be any, ought to be applied to the extinguishment of the public debt. The authors of both reports were for rigidly adhering to the policy marked out by the act of 1842 ; both were for the establishment of a sinking fund, which, within a given period, would ensure the payment of the debt of the state : and both were opposed to the further prosecution of the public works, if such prosecution would add to the public debt,

or in any manner check the increase of the sinking fund. Mr. Dennison viewed with jealousy and suspicion the sanguine calculations of the more zealous friends of internal improvements, in respect to the amount of income which in future might be expected from the canals, while Mr. Seymour cherished a hope that those calculations would prove correct. Mr. Dennison exhibits truthfully and in bold relief the erroneous and false representations, on the faith of which some of the public works were undertaken, and Mr. Seymour cheers us with the prospect of the rich treasures, which, it may reasonably be anticipated, will be realized from the navigation of our magnificent artificial rivers. The feelings with which these distinguished gentlemen drew their respective reports, undoubtedly gave a different coloring to the sentiments they expressed, but both were highly enlightened and talented men, and both, as we believe, had solely in view, and were honestly seeking to promote and sustain measures which, in their judgment, were best calculated to ensure the permanent prosperity and glory of the state.

Immediately after the reading of Mr. Seymour's report, Mr. Hoffman rose, and after expressing his approbation of many parts of it, and complimenting the author for the ability it displayed, stated several objections to it; but his objections were rather to its details than to the principles which it advocated. He and those acting with him expressed a serious apprehension that the bill reported by the committee was intended for the commencement of a series of measures at war with the policy of the act of '42, and which eventually would overthrow that policy. The bill, however, finally passed both houses, substantially as reported by the committee,

excepting the addition of a clause restricting the annual expenditures under it to \$150,000. We observe that Messrs. Allen and Bosworth voted against this bill ; the whigs generally voted for it. It appears that for some cause Mr. Hoffman did not vote. Sixty-seven members voted in the affirmative and thirty-eight in the negative.

In the senate considerable opposition was made, and Mr. Strong, in an eloquent speech, denounced the bill as a palpable departure from the policy contemplated by the act of '42.

Mr. Barlow, who generally acted with the radicals, made a very sensible speech on the affirmative side of the question. "We all claimed," he said, "to be in favor of the policy of the law of 1842 ; but we varied in opinion whether this law clashes with that policy. He believed it did not ; for the policy of that law allowed works to be preserved, and also to be finished, when it would be better economy than to keep the old canal in repair. This bill only provides for the same."

"There is," said Mr. B., "a very good saying of Poor Richard, that 'a stitch in time saves nine.' This saying is good sense in practical life ; and I believe that it is wise, and may apply as well to a people collectively as to an individual. I believe that good economy requires the expenditure of a reasonable sum ; and if the expenditure shall be made within the good saying of Poor Richard, the people will approve of it ; for I believe their judgment is deliberate and economical. It was not pretended, as far as Mr. B. had heard, by any one, that the law of 1842 contemplated an utter abandonment of the unfinished works. Then, it was exceedingly difficult to reconcile the neglect of an appropriation to preserve them with a regard to economy. It will re-

quire but a small sum comparatively to finish the Schoharie aqueduct and Jordan level, and secure their permanency. How can any one have a doubt as to what Poor Richard would say in such a case, when he saw the large amount of improvements now going to dilapidation and waste? Mr. B. was confident the good judgment of the people would approve of preserving them."

The vote on the final passage of the bill in the senate was 17 to 13—all the whigs, except Mr. Platt, voting in favor of it.

Another bill, which passed the assembly about the same time when Mr. Seymour's bill passed, and which was entitled, "An act supplementary to the act entitled, An act to provide for the payment of the debt and preserving the credit of the state," which was reported by the committee of ways and means, and better known by the name of the "Finance Bill," excited much discussion in the assembly. It will be recollect that the committee of ways and means, or finance, consisted of Messrs. Hoffman, Bosworth, L. Lee, Burt, and Davis. The bill as reported was widely different from what Mr. Hofslman and Mr. Lee desired it should be. It provided for a loan of \$1,200,000, to be applied to the payment of land damages on the several canals, of arrearages to contractors, &c.

This bill, together with a proposed amendment to the constitution, restricting the power of the legislature as to expenditures for internal improvements, produced an earnest and protracted debate, and a review of the entire history of the canals and the financial system. Great talents as well as great zeal were displayed on both sides. We have not room to give even a sketch

of these debates. The difference between Mr. Hoffman and his friends, and Mr. Seymour, and those acting with him, seemed in substance to be with respect to the true construction of the act of 1842. Mr. Hoffman contended that, according to the spirit of that act, nothing ought to be expended other than for necessary repairs until the entire debt should be paid. Mr. Seymour, on the contrary, though he explicitly took ground in favor of the law of 1842, and urged that all its guarantees and pledges should be rigidly observed, contended that any surplus, beyond the amount pledged, should be applied to the *extension* and preservation of the public works.

It is not surprising that the two parties, in the heat of debate, should have charged each other with objects and views which neither party entertained. This was in fact the case ; for it was more than insinuated by the radicals, that the hunkers intended to evade the act of 1842, and to gradually introduce a system of measures which, instead of providing for the extinguishment, would increase the public debt. On the other hand, the hunkers charged the radicals with hostility to the canals, and with a desire, through mere pique and prejudice, to sacrifice some fifteen or twenty millions of money rather than violate their abstract doctrines of what should have been the policy of the state before these expenditures were incurred.

The finance bill, as reported by Mr. Bosworth, in the end passed the assembly by a vote of 62 to 29.

It did not reach the senate until Friday evening, the 3d of May, which was only four days before the two houses had agreed to adjourn, and one of those days was Sunday.

On Monday, the 6th of May, Mr. Bockee, chairman of the finance committee, called for the consideration of the bill from the assembly. A bill professing to have the same object in view had been reported to the senate, but action on it had been deferred until the assembly's bill should reach the senate, so that the senators might elect between the two bills.

Mr. Bockee moved to strike out, in effect, the whole bill from the assembly, and insert that of the senate as a substitute.

The senate bill struck out \$1,200,000, and inserted in lieu thereof, \$800,000, which was raised, on motion of Mr. Faulkner, to \$900,000; and it provided for a direct tax of one-tenth of a mill on a dollar to secure the payment of the interest and the repayment of the principal of the sum so to be borrowed. Mr. Bockee's substitute was adopted in the senate, and in this form the bill passed, there being only four votes, Messrs. Backus, Hard, Platt, and Works, in the negative.

Mr. Bockee, although regarded as a hunker during this and the succeeding session, held the balance between the two sections of the democratic party; and this position placed him in the station, as respected those sections, of an umpire between them.

The debates in the assembly were courteous, which was, perhaps, in part owing to the strict parliamentary decorum which Mr. Hoffman always observed towards opponents as well as friends, the good-nature of Mr. Sampson, and the constitutional modesty, liberality, and kind feeling of Mr. Seymour.

In the senate there was much more bitterness and irritability. That body contained a number of individuals remarkable for acerbity of temper. As they held

their seats for a much longer time than the members of the other house, they became more deeply imbued with the feelings which existed at Albany ; and these hostile feelings were from time to time kept alive and called into action, not only by a seeming difference of opinion in respect to measures, but by controversies about the nominations to office made by the governor.

Several amendments to the constitution were proposed and adopted by the joint resolution of both houses ; the first of which was to make the act of 1842 a part of the constitution, and providing that the revenue therein mentioned should be applied to the purposes specified, including the repayment to the United States of the deposite fund. This latter provision seems to us an attempt to be “righteous overmuch ;” for every man of common sense knew then, as he does now, that a majority of congress will never be obtained which will call on the states to refund that money. Amendments were also proposed to make the substance of Mr. Loomis’s resolution a portion of the organic law,—to provide for the appointment of three associate chancellors, and to add to the Supreme Court two justices.

In the discussions that occurred when these amendments were under consideration, so much difference of opinion was evinced on the question, whether the remedies proposed by the amendments for existing defects were the best that could be devised, that little hope was entertained that they would be approved by two-thirds of the members who might be elected to the next legislature. In proof of this, without referring to the votes of individual members, it is only necessary to state, that the two houses disagreed as to what amendments should be adopted ; and on the question whether the senate

should *insist* on their amendments, or propose a conference, that body was equally divided, and a conference was directed by the casting vote of the lieutenant-governor.

During the summer of 1843, some portion of the political press of the state had taken ground in favor of a convention to revise the constitution, and, as we have already related, a public meeting was held at Albany in November of that year, at which Mr. Hoffman made a speech, and resolutions were adopted recommending a convention, and several radical changes in our organic law.

The constitution of 1777 contained no provision for future amendments. When, therefore, under that constitution, changes in the constitutional law, from an alteration of the condition of society, or from a great change in public opinion, became necessary, a convention was indispensable. It was a measure of *absolute necessity*. But so doubtful were the legislature of 1821 of their power to act in the premises, that they did not venture to pass a *law commanding* a convention; they merely enacted that it be "*recommended*" to the people to elect delegates to meet in convention to propose amendments to the constitution. The constitution of 1821 did provide for its own amendment by authorizing the legislature, under certain restrictions, to propose amendments, which, when approved of by a majority of the people, should become a part of that constitution. Hence it was supposed that no future convention would ever be called. Judge Bacon, an eminent statesman who was a member from Oneida county, on giving a final vote in favor of the constitution, declared, that in his judgment, there were many defects in the instru-

ment, and some provisions which were an improvement of the old system ; but he thought the defects overbalanced the improvements ; that nevertheless, the clause in the constitution which provided for its own amendment by the legislature and people without the intervention of a convention, *and thereby dispensing with all future conventions*, was, in his opinion, so highly valuable, that it produced in his mind a balance in favor of the instrument before them, and he therefore should vote for its adoption.\*

A moment's reflection must convince any reasonable man that a law providing for a convention to revise and amend the constitution of 1821, was a proceeding beyond the pale of that constitution. Was it not a violation of it ? That instrument had instructed the legislature *how* they should proceed to amend it. If they chose to proceed in a manner different from their instructions, it would seem that they would not only exceed their powers, but would act contrary to the express directions of the charter under which they were sitting as a legislature. If this reasoning be correct, then those gentlemen who passed a bill for a convention, acted in their individual and not in their official capacity, and the act itself was a mere recommendation of one hundred and sixty intelligent gentlemen from different parts of the state assembled at the capitol in Albany. But although an act to call a convention to alter the organic law was unconstitutional, yet the right of *revolution* remained in the people. And it seems to us that the whole proceedings in getting up the late convention, must be sustained by that right alone. A revolution can only be justified

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\* 2 Political History, pp. 82, 83.

as a measure of necessity. Hence those in favor of a convention in 1844 and 1845, were bound to prove the truth of two propositions:

1. That amendments to the constitution were absolutely indispensable and necessary.
2. That those amendments could not with reasonable probability be made in the way provided by the constitution of 1821.

It by no means follows that because the constitution of 1846 was founded on the right of revolution, that it is not now binding on the people: for that revolutionary measure has been confirmed by the fiat of the people, declared in the most legitimate way, namely, at the polls of the election. It is equally as binding as the Declaration of Independence, which severed the United States from the British empire, to which they were before attached by the most solemn forms of law.

After much discussion in the assembly, during the session of 1844, Mr. Hall, a whig member from the county of Cayuga, whom we have mentioned in a preceding chapter, introduced a bill submitting to the people the question whether a convention should be called to revise and amend the constitution. This bill was referred to the select committee on constitutional amendments, consisting of Messrs. Bosworth, Hoffman, Seymour, Sampson, and Stevens, four democrats and one whig.

Mr. Hall about a month before he brought in this bill had offered the following as a joint resolution:

"Resolved. That the following amendment be proposed to the constitution, that it be referred to the legislature next to be chosen, and published as required by the eighth article: 'For the purpose of the election of members to the assembly, the state shall be divided by the legisla-

ture next in session after the adoption of this article, into one hundred and twenty-eight districts of contiguous territory, but no district to be composed of portions of more than one county.' ”

This resolution was referred to Mr. Bosworth's committee, who, after some time taken for consideration, declined to report it to the house. This refusal induced Mr. Hall and his friends to believe that a majority of the committee and the administration party in the house were opposed to every substantial reform, and he thereupon drew and introduced the bill to which we have alluded. Mr. Hall may therefore fairly be considered as the pioneer of the whig party in the enterprise of a constitutional reform through the agency of a convention.

This bill was modelled after the convention bill of 1821, and contained substantially the same provisions as that introduced the following year by Mr. Crain of Herkimer. It submitted the question, whether a convention should be held, to the people, and directed, in case a majority was found to have voted for a convention, that an election of delegates should be had, and a convention held for revising the constitution, and that the instrument when revised should be submitted to the people for their approval. “This movement,” says a respectable whig correspondent, who was then a member of the assembly, “shadowed forth the purpose of the whig party in respect to constitutional reform; and this the more prominently when it came to be understood that Mr. Stevens of Albany, a member of the committee, concurred with Mr. Hall in the propriety of the measure. The committee nevertheless declined to report the bill to the house, notwithstanding the urgent solicitations of Hoffman and Stevens, the minority of the committee.”

When the refusal of the responsible majority of that committee became known to Mr. Hall, a caucus of the whig members of the senate and assembly was held at the Eagle Tavern in Albany, for the purpose of considering the propriety of making a further demonstration on the subject of reform. What occurred at that meeting may be inferred from the resolution introduced by Mr. Hall the next day, [March 15th,] to instruct the committee to report, with or without amendment, the bill introduced by him in relation to a convention to revise the constitution. But the motion was strenuously opposed by the majority, and by their vote laid upon the table, where it remained until the 2d day of April following, when it was taken up for consideration and discussion. In the discussion, which was somewhat vehement, Messrs. Hoffman, Stevens, Hall, Allen, Seymour, and Bosworth participated. The three former advocated, and the three latter opposed its passage. The only speech which was fully reported was delivered by Mr. Hall. It was published in the Evening Journal, and is believed to be the first published legislative speech extant in favor of the convention project. "In this discussion, Messrs. Seymour and Allen," says our whig correspondent, "averred that it was a whig project to disorganize the democratic party in this state, and to which they feared it was the intention of a branch of their own party to ally itself. These speeches induced many members to withdraw from the house, and thereby avoid a vote upon the question. At the conclusion of the debate but ninety-four members were in their seats to vote upon the subject. Mr. Gorham moved to lay the resolutions on the table, upon which a test vote of the remaining members was given—ayes 56, noes 38; all

the whigs voting in the negative except the member from Allegany, (who was not in favor of a convention.) Had the remaining 34 members been in the house, the result would have been against laying on the table, and in favor of the passage of the resolution, as enough of them were so committed had they voted at all." This vote, however, was regarded as decisive of the fate of the convention bill for that session, and relieved the committee, who, in expectation of its passage, had actually prepared a written report in favor of the bill, to be used in the event of the passage of the resolution.

Subsequently Mr. L. Lee, a radical democrat from the county of Orange, introduced a resolution directing the select committee to report a bill recommending a convention. This gave rise to an animated debate, and led to a discussion of the question of its consideration, which showed the state of parties in the house, as respected that measure. On this occasion, Messrs. Hoffman, Bosworth, and others, among the democrats, and Mr. Stevens, the whig leader, declared themselves for a convention. The vote in favor of considering Mr. Lee's resolution stood 58 to 46. The 58 votes were given by 31 democrats and 27 whigs, and the 46 votes against the consideration were given by 43 democrats and three whigs. This vote strongly indicated a majority in favor of a convention. The question involved in the resolution was earnestly discussed, but the session finally passed away without any effectual action upon it.\*

\* Our whig correspondent, from whom we have quoted, in a letter now before us, states "that Gov. Seward was from the first of the opinion, that although the constitution pointed out a way in which it could be amended, a great public and paramount necessity justified the call for a convention. He held, as Gov. Clinton did, with respect to the convention of 1821, that

On the 3d day of May a bill passed the senate, which appears to have been introduced by Gen. Clark, abolishing the office of non-acting canal commissioner, and providing that there should be but four commissioners, who should be elected at a general election by the people.

necessity justified a convention whenever the existing constitution proved insufficient for its own amendment. He deemed the judiciary system, as established by the constitution of 1821, the most defective part of that instrument. He also was dissatisfied with the restrictions it contained on the elective franchise. He was consulted, and fully concurred in the policy of introducing a convention bill into the legislature of 1844." Our correspondent, in relation to the course pursued by the whig editors on the convention question, further states that "Mr. George Dawson, at present an associate editor of the Evening Journal, who in 1844 conducted the Rochester Democrat, was the first whig editor who advocated a convention to revise the constitution. When Mr. Hall introduced his convention bill into the legislature, Mr. Dawson was at Albany, where he prepared a strong article approving of Mr. Hall's course, and urged the whigs of Western New York to support the bill. This was in February, 1844.

"The next whig editor who took ground in favor of the convention movement was Henry Oliphant, the editor of the Auburn Daily Advertiser, who wrote and published several excellent articles in favor of Mr. Hall's bill, and of constitutional reform. Mr. Greeley, of the New York Tribune, soon after announced himself in favor of a convention, and also declared in favor of Mr. Hall's bill.

"Mr. Thurlow Weed, notwithstanding his great respect for the opinions of Mr. Seward, thought it impolitic, on the eve of an important election, to commit himself and his paper in favor of a convention. Michael Hoffman was a member of the assembly in 1844. He had since 1842 favored a convention as a matter of necessity, but in consequence of ill health took no very active part on the subject during the session, except uniformly to vote with the friends of constitutional reform by means of a convention."

We have every reason to believe that the statement of our correspondent is substantially correct; and we will add, that the Albany Atlas, from the moment the convention project was first agitated until the question in relation to it was decided, supported the measure with its usual zeal and vigor. In this course, so far as we can recollect, it was followed and sustained by most and perhaps all the radical newspapers published in the state.

It will be recollect that the canal commissioners were formerly appointed by the legislature. The bill was sent to the assembly, and on the 4th of May (the next day) it was referred to the canal committee. Mr. Linn moved that the committee should be instructed forthwith to report the bill. Mr. Seymour opposed this unusual haste in passing through so important a bill, which he said was introduced in the senate the day before. The bill, however, for some reason, seems to have been a favorite of the house, for Mr. Linn's motion prevailed by a large majority, and it passed that evening.

One other transaction took place which excited some irritation. Formerly the librarian of the state library was appointed by the governor, lieutenant-governor, and state officers. In the year 1842, Mr. William Cassidy, a young man who had many friends in Albany, as well on account of his own character as on that of his father, who, though little known out of Albany, with all the ardent native benevolence of an Irishman, literally fed the hungry and clothed the naked, was appointed librarian by the votes of the state officers—Messrs. Young, Flagg, and Barker—against the votes of Governor Seward and Lieutenant-governor Bradish. He continued to hold the office till June, 1844; but in the winter of that year an act was passed constituting the regents of the university trustees of the state library, and transferring to them the power of appointing the librarian. It has been suggested by the friends of Mr. Cassidy, that one cause of passing this act was to procure his removal from the office. However this may be, on the 1st day of June, at a meeting of the regents, Mr. Cassidy was removed. We ought to have mentioned, that he had for some time before been one of the

editors of the Albany Atlas ; and it was urged, on a motion for his removal, that his time and attention were so much engaged in the management of that paper, that he did not, and could not, devote the necessary time to the proper performance of his duties as a librarian ; but no specific charge of official negligence was made against him. The board of regents proper were equally divided on the question of removal. The *ex-officio* regents then present were, the secretary of state, Col. Young, and Governor Bouck and Lieutenant-governor Dickinson. Mr. Young voted against the removal and Mr. Dickinson for it. This cast the responsibility on Gov. Bouck of giving a casting vote, and he gave that vote for the removal of Cassidy. The course of the governor on this question increased the hostility and irritation against him.

The whigs, though few in number during this session, were under the advisement and direction of several very sagacious and far-seeing politicians, such as Mr. Hard and Mr. Rhoades of the senate, and Mr. Stevens and Mr. Linn of the assembly. Their policy, and in our judgment their true policy, was to do nothing. They perceived that while they acted as apparent spectators, the hostility between the hunkers and radicals was every day increasing, and the breach between them was widening. They held the balance of power between those two sections ; and they exercised that power so judiciously that neither the hunkers nor radicals could, with any plausibility, charge the adverse party with a combination with the whigs. The effect of this policy was to increase the hostility of each section against the other, which of course weakened and deadened the energy of the democrats as an entire party. Thus, in the appointment of state printer, they

sustained the hunkers; in rejecting the nominations of the governor, in the senate, they generally acted with the radicals ; on financial questions and on the subject of internal improvements they voted with the hunkers, but on the subject of constitutional amendments, and the call of a convention, they generally acted in concert with the radical wing of the democratic party. We do not mean to insinuate that the action of the whigs on these great questions was governed solely by party considerations. The probability is, they were quite as sincere and conscientious as were either portion of the other party.

We cannot consent to conclude this very imperfect account of the legislation during the session of 1844, without mentioning the great and important services of Mr. Hulburd in the establishment of the normal school. He personally visited the normal schools in Massachusetts, and on his return made a report containing the information he had acquired, and the result of his own reflections on the subject, which concluded by recommending the establishment of such an institution in Albany.

The report is drawn with great ability, and in every line of it the benevolent heart of the author is developed. It concludes with the following eloquent and touching appeal :

"In concluding this long report, the committee would fain ask, is there no responsibility resting upon *this* legislature to do something to lessen some of the evils of our school system ? Is there no obligation resting upon us to make at least an *effort* to renovate the schools—to supply them with competent teachers ? Can we adjourn, having filled a volume with private and local bills,

without yielding a pittance of our time to consider, and perfect, and pass an act of vital interest to the right education, the well-being, of more than six hundred thousand of the children of this state? Have none of us read and felt as that noble Prussian expressed himself: ‘I promised God that I would look upon every Prussian peasant as a being who could complain of me before God, if I did not provide for him the best education, as a man and a Christian, which it was possible for me to provide?’

“‘When education is to be *rapidly* advanced,’ says President Basche, ‘*seminaries for teachers* afford the means of securing this result.’ Do we not owe it to the too-long neglected children—do we not owe it to the state itself—do we not owe it to our whole country, that these ‘approved means’ of the rapid advance of the best education should at once be prepared?

“‘ Duties rising out of good possessed,  
And prudent caution needful to avert  
Impending evil, equally require  
*That the whole people should be taught and trained.*  
So shall licentiousness and black resolve  
Be rooted out, and virtuous habits take  
Their place; and genuine piety descend,  
Like an inheritance, from age to age.’”

We hardly need add, that the recommendation of Mr. Hulburd was effectual, and that a law passed in pursuance of it.

The legislature adjourned on the 7th of May, and the evening preceding the democratic members held the usual caucus for the purpose of adopting an address to their constituents, and resolutions expressive of their opinions on the prominent political questions which then excited the attention of the public.

Mr. Speaker Litchfield was appointed chairman, and Mr. Dennison, of the senate, and Mr. Carr, of the assembly, were chosen secretaries.

The address was reported by Judge Bockee, and did not encounter any opposition; but the fifth and sixth resolutions, which approved of the official conduct of Governor Bouck and Lieutenant-governor Dickinson, were opposed.

Mr. Glazier, of the city of New York, said, that having the unity of the democratic party sincerely at heart, and believing that this could only be promoted by laying on the table the three resolutions preceding the last, [those in relation to the governor, lieutenant-governor, and state officers,] he accordingly made that motion, and called for the ayes and noes on it.

The motion to lay these resolutions on the table was lost, twenty-three members voting for it, and seventy-nine against it. Speeches were made, and some disorder in the gallery occurred, but the resolutions and address were finally adopted.

Immediately upon the adjournment the following note was delivered to Mr. Corning, chairman of the committee appointed to superintend the publication of the address and resolutions:

“ALBANY, May 7th, 1844.

“We, the undersigned, democratic members of the legislature, entirely dissent from so much of one of the resolutions adopted at the caucus of democratic members of the legislature, held last evening, as declares, ‘that William C. Bouck has adhered with fidelity to the sound policy which has ever characterized democratic administrations, and advanced the state in a career of

prosperity and honor ;' and we, for that reason, direct that our names be not attached to the address and resolutions adopted at that caucus.

"John Porter, Robert Dennison, H. W. Strong, Albert Lester, Ab'm A. Deyo, Edmund Varney, John B. Scott, Samuel Young, R. C. Field, L. C. Stimpson, David H. Smith, Geo. G. Glazier, George W. Tuthill, F. D. Flanders, Leonard Lee, Peter H. Warren, Daniel Noyes, Michael Hoffman, William H. Jansen, R. W. Clark, Alban Strong."

"ALBANY, May 7th, 1844.

"Hon. E. CORNING,—

"DEAR SIR :—The undersigned, not being able to subscribe to the tariff doctrine set forth in the address adopted at the democratic caucus last evening, and Mr. Van Buren not being their *first* choice for the presidency, request that their names shall not be appended to the said address.

"GEORGE G. GLAZIER,

"F. D. FLANDERS."

After the adjournment of the legislature, the whigs published an address, signed by forty members. It is written with great tact and ability. We know not who was its author, but we think we can discover pretty strong traces of THURLOW WEED through the whole of it.

It commences with a most scorching sarcasm at the division of the democratic party and its causes. As respects the public debt, it says :

"In the review which has been made of the past, it has appeared, and is now admitted, that only \$4,075,000 of the whole public debt was borrowed by the whig ad-

ministration and their predecessors, and more than three millions in performing contracts actually made by those predecessors. In the darkest hour the state has ever seen, the whigs performed every contract without taxation. Their successors, with the aid of a tax of \$600,000, have broken contracts on which they have already subjected the state to \$800,000 damages, and the future aggregate of this ruinous expenditure cannot yet be conceived."

We have omitted to state, as we ought to have done, that under the act of congress for the distribution of the avails of the sales of public lands, about \$90,000 had been apportioned to the state of New York, and forwarded to Albany by the United States treasurer: but that this state for a long time (one or two years) refused to receive the money, and that the democratic members of the legislature in 1844 persisted in such refusal. This course of conduct the whig address condemns in terms, as we think, of just and well-merited severity. That money was, by a law of congress, the property of the state of New York. Whether the law for the distribution was wise or unwise, could in no way affect the right or the duty to use the money for the benefit of the state. It was incumbent on the legislature to make the best use of that as well as of any other property belonging to the state. The affectation (for it was little other) of unwillingness to receive and appropriate it, was a kind of political prudery, discreditable to any party.

The signers of the address declare themselves in favor of a convention to amend the constitution, and specify several alterations in the organic law which they deem necessary, among which are a change in our judi-

ciary system, an extension of the right of suffrage to *all* citizens, and the equalization of representation by dividing the state into senate and assembly districts. They repudiate any restriction of the legislative power to create debt or to loan money. They claim to be the authors and patrons of the law requiring that the canal commissioners shall be elected by the people. They condemn any material alteration of the tariff law of 1842, and they repudiate the project of annexing Texas to the U. States. They inform their constituents that they have recommended MILLARD FILLMORE for the office of vice-president; and they pronounce a handsome eulogium upon Mr. Clay. The following is the concluding part of the address:

"The whig party is devoted to progress, but it does not destroy. It seeks to establish perfect equality of political rights; but it levels upwards, not downwards, by education and benignant legislation, not by subverting established laws or institutions. It is the party of law, of order, of enterprise, of improvement, of beneficence, of hope, and of humanity. Through the action of this great and generous party, every attainable national good may be ultimately secured; and through its action we can best promote the more comprehensive interests of freedom and of humanity throughout the world."

No one can fail to perceive that the closing scene tended to widen the breach between the two sections of the democratic party, and to leave on the minds of the members at parting an impression which would continue during the recess of the legislature. They must have quitted the capitol with feelings which disposed them to encourage dissensions in the several counties which they represented, rather than to endeavor to excite zeal and active efforts in support of the common cause.

## CHAPTER XV.

## BALTIMORE CONVENTION.

The issue on which Mr. Van Buren was beaten in 1840—Annexation of Texas—Mr. Van Buren's Letter to Mr. Hammit—Intrigues at Washington—Two-third Rule—Proceedings at the Baltimore Convention—Nomination of James K. Polk—Mr. Wright declines to be a Candidate for Vice-President—George M. Dallas is nominated Vice-President—Whig Convention—Mr. Clay nominated for President—Mr. Frelinghuysen for Vice-President—Millard Fillmore supported by the New York Delegation—His Character.

THE principal, if not the only material issue on which Mr. Van Buren was beaten in 1840 was on the sub-treasury system, which he recommended and supported, and which, under his administration, was established by law. Notwithstanding the national democratic party were most effectually beaten on that issue, the more they reflected on the measure, the more they were confirmed in the opinion that it was a wise and salutary one. All men became convinced that the state banks could not be safely relied upon as the fiscal agents of the government, all felt that the depositories of the national revenue in those institutions had led, and saw that it must hereafter lead to expansions and contractions in the circulating medium of the country, ruinous to the business part of community. The only alternative then remaining was a national bank, against the chartering of which by congress the whole democratic party was solemnly pledged. No one had ever objected to the talents, or deportment, or the purity of the private character of

Mr. Van Buren. He had therefore been broken down for the sole reason, that he had sustained and endeavored to carry into effect the political principles of the party to which he belonged. It would seem, therefore, that there could be no objections to his renomination by the same party, except those arising from factious motives.

The democratic convention to designate a candidate for president was to meet at Baltimore on the 27th of May, and delegates to that assembly were chosen, we believe, in all the states of the Union, during the preceding winter. A large majority of those delegates were instructed by the respective state conventions, by which they were chosen, to vote, and use their influence for the nomination of Mr. Van Buren. Thus every thing indicated concord and harmony. But in the early part of the spring of 1844, a question arose which materially changed the feelings of the democratic party in the southern section of the Union towards Mr. Van Buren.

Some six or seven years before the period of which we are now speaking, Texas, a Mexican province, conceded to be such by more than one treaty solemnly entered into by the United States, had declared itself independent of the government of Mexico, and her independence had been acknowledged by the United States and several other nations. Mexico attempted to recover her revolted province, but the war she waged against the insurgents was feeble and unsuccesful. A suspension of active hostilities had once or twice been agreed on, but the war continued. In this state of things Mr. Calhoun, secretary of state, under the direction of President Tyler, negotiated with Texas a treaty of annexation, and that treaty was before the senate of the United

States in the winter of 1844. The reasons urged in favor of this measure were, the contiguity of that territory to the United States, and its great value ; that we had erred in the treaties we had made with Mexico and Texas in conceding that that country belonged to Mexico ; and that it was our duty to interfere to check the carnage produced by a ruthless war, which Mexico had lately threatened to render still more ruthless and sanguinary. But Mr. Calhoun, the official organ of the government, and a bold, frank, and honorable man, who despised subterfuge, in his correspondence with Great Britain put forth other and different reasons for the treaty of annexation : which were,—that annexation was indispensable, in order to *preserve and perpetuate slavery in the slaveholding states.* The treaty failed of obtaining a constitutional majority in the senate ; but Texas was ultimately annexed to the United States by a JOINT RESOLUTION !

We will add but one other remark on the subject of annexation. After Texas became independent, she provided by her constitution for the establishment of slavery, but prohibited the importation of slaves from all parts of the world except the United States. This gave the slaveholding states a monopoly of the slave-trade in that territory. Shortly before Mr. Calhoun commenced his negotiations, it was understood that through the influence of Great Britain, Mexico had agreed to terminate the war against Texas, and acknowledge her independence, if she would so far alter her constitution as to abolish slavery, and would stipulate not to annex herself to the United States. Had Texas abolished slavery, the sale of the surplus slave population in Virginia, South Carolina, and the other slaveholding states, would in future

have been prevented, which Mr. Calhoun foresaw at no very distant period would result in the abolition of slavery in those states. It was also pretty well understood that Texas would accede to the proposition of Mexico, and would abolish slavery.\* Mr. Calhoun considered annexation as the only means of preventing the consummation of this project; and he was therefore right in stating that annexation was essential to the preservation and perpetuity of the institution of slavery in the slaveholding states.

In this state of affairs, the people of those states, and especially the members of congress representing them, naturally felt an anxious solicitude to learn the opinion of Mr. Van Buren on the subject of annexation. This solicitude was increased by the fact that Mr. Clay was then the avowed whig presidential candidate, and it was generally believed he was opposed to uniting Texas with this government without the consent and against the wishes of Mexico. With a view to elicit the views of Mr. Van Buren, on the 27th of March, Mr. Hammit, a member of congress from the state of Mississippi, and a delegate to the Baltimore Convention, addressed a letter to Mr. Van Buren, requesting him in his reply to declare his opinion on the subject of annexation. There can be little doubt that Mr. Hammit wrote this letter at the request of Mr. Walker, a senator from Mississippi, and perhaps many other influential democratic members from the South; and it may fairly be inferred from the terms of the letter, that Mr. Hammit meant to give Mr. Van Buren to understand that his support, and that of those friends who thought with him, would depend

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\* See the Georgia speech of General Lamar, vice-president of Texas.

upon Mr. Van Buren's answer. "I am," said Mr. Hammit, "an *unpledged* delegate to the Baltimore Convention." \* \* \*

"It is believed that a full and frank declaration from you, favorable to this great object, will be of great service to the cause, at a moment so critical of its destiny; and should you recognise my right to inquire, and your duty to answer, I shall be greatly obliged to you for a letter setting forth your opinions." \* \* \*

"Pardon me for suggesting that should your opinions be favorable to annexation, the weight and influence of those opinions would be doubly enhanced, in the estimation of all true friends of the measure, by the earliest possible public avowal of them before the country."

Mr. Van Buren, on the 20th of April, answered this letter by declaring himself opposed to annexation. He did not, in his very lengthy and able letter, refer to the slave question, but placed his opposition on the ground, that the United States and the republic of Mexico were at peace; that Mexico claimed jurisdiction over Texas; that the former was then prosecuting a war against the latter in support of that claim; that annexation at that time, if not an act of war on the part of the United States, would provoke a declaration of war by Mexico; and that *no principle in the code of the laws of nations would justify the measure.*\* This reply roused to ener-

\* Mr. Croswell, in the same paper in which he published Mr. Van Buren's letter, remarks that "it is a statesman-like production, marked by that far-reaching sagacity and comprehensive judgment so eminently characteristic of Mr. Van Buren's state papers. \* \* \* Every American reader, not entirely under the dominion of prejudice, *will admit the force of his conclusions.*" In one "little month" Mr. Croswell arrived at a very different "conclusion" from that of Mr. Van Buren.

getic action, in opposition to the nomination of Mr. Van Buren, the politicians of the slaveholding states.

We have before alluded to the zeal, and vigor, and unanimity with which the South always act on all questions in which that section of the Union is more immediately interested: but no question ever produces more excitement and union of action than that which regards slavery. Thus, while the institution of slavery occasions *physical* weakness in states where it exists, in the political relation which those states bear to the Union, it produces *political* strength. It constitutes a common bond of union, of which the free states are destitute. Hence it is much more easy to create divisions among the people of the North than of the South, both in respect of men and measures. A minor section of either of the parties at the North, joining a solid phalanx of men nominally of the same party, of the South, transfers from the majority of the North the control of the party to the southern members of it, who, notwithstanding, are themselves really a minority of the national party. The "*Doughfaces*" of the North, has become a phrase perfectly understood in every part of this country. In justice to the whigs it ought to be mentioned, that there are many more democrats than whigs who have received, and justly merited, that opprobrious name, first invented by the sarcastic John Randolph.

Mr. Buchanan, the present secretary of state, and Mr. Calhoun, then secretary of state, had each been named by their respective friends as suitable candidates for the presidency, but both of them, in the early part of the winter, publicly declined a competition. Mr. Cass, of Michigan, had also been mentioned in connection with that high station; and the number of democratic candidates

was now apparently reduced to two—Mr. Van Buren and Mr. Cass. The latter, *after* the publication of Mr. Van Buren's letter, declared himself to be in favor of the annexation of Texas. Measures were soon taken to produce an impression among the young and aspiring politicians of the North and West, that as after the election of Gen. Harrison many of the officers appointed by Mr. Van Buren were dismissed from office, if he should be re-elected, it would be a mere restoration to power of the old dynasty of office-holders, without due regard to the changes in society which eight years had produced.

Letters from Washington to the friends of Mr. Van Buren, received soon after the publication of his letter to Mr. Hammit, gave information that very active efforts were being made to defeat his nomination, which produced alarm, not only here, but in other states. When these reports reached Ohio, a number of the most respectable citizens of that state addressed a letter to the Ohio delegation in congress, insisting upon the support of Mr. Van Buren; and the reaction in the democratic party appeared so great, that for a week or two before the convention were to meet, the agitators, who were still determined that he should not be the candidate, found it necessary, with a view, no doubt, to deaden the activity of his friends, to affect that opposition to Van Buren was in a great measure abandoned; and by this means an apparent calm at the capital was produced. How real this was, the action of the convention will show. But nevertheless, so well did the managers in the plot of this drama or farce perform their parts, that many of the most zealous supporters of Mr. Van Buren believed the opposition to him was given up. A member of congress, whom the cautious editor of the Albany

Argus certified was a man of "clear views and extended information," in a letter to that editor, dated at Washington, the 18th day of May, only nine days before the meeting of the convention, expresses his conviction that public opinion is settling down with great unanimity in favor of Mr. Van Buren. "Even the exciting question of 'the annexation of Texas,'" says the writer, "which by hands at least incautious, *if not unfriendly*, was thrown into our camp on the eve of the most important consultation to be held by the democratic party, is beginning to contribute to the advancement of our cause. Many of the strongest advocates of annexation, upon reflection, have come to regard the grounds taken by Mr. Van Buren in his able letter on that subject, as the only policy consistent with not only the honor, but the true interests of the country. Such is fast becoming, and will soon be, the opinion of the whole South."

But during this *apparent* calm, the plot must have been maturing which eventually deprived Mr. Van Buren of the nomination.

When Gen. Jackson, in 1832, was nominated for re-election at Baltimore, and when it was known there was not a single delegate in attendance who was not in favor of his nomination, for the purpose of exhibiting to the nation the perfect unanimity prevalent on that occasion, the convention adopted a rule that the votes of two-thirds of all the delegates present should be necessary, in order to make a valid nomination. The same rule, under circumstances nearly if not quite similar, and for the same reasons, (for there was in reality no candidate in the field against Mr. Van Buren,) was continued at the convention of 1836, when Mr. Van Buren was nominated.

It is impossible to believe that any body of sober-minded men could have adopted this rule with the intention that it should be applied in a case where there was a real difference of opinion among the members of a nominating convention, and where they were nearly equally divided in relation to the selection of a candidate.

A nominating caucus is, or ought to be, composed of delegates representing a political party, the members of which agree as respects principles and measures, and who, through their delegates, meet together for the purpose of ascertaining who the majority of the party desire to select as agents to carry into effect those principles and measures. Now the two-third rule is calculated to defeat this great and only object of caucusing, for it vests in the minority the power of controlling the majority. A convention consists of 300 members. It assembles for the purpose of ascertaining who the majority of the party desire should be their candidate for governor. One hundred and ninety-nine of the members wish to put A. in nomination, and 101 of the same body are in favor of B. The two-third rule enables 101 members to say to the 199 members, you shall nominate B. or there shall be no nomination. A more effectual means of encouraging faction in a party could not be devised.

It has been suggested that several of the democratic members of congress from the state of New York were cold towards the nomination of Mr. Van Buren, believing, or affecting to believe, that he was not the most available candidate. If such was the fact, we do not know who those persons were, nor to which section of the party they belonged ; but it is not improbable that some of the democratic members from this state, either open-

ly or secretly, favored the views of the southern party ; for when has there been a time since the discussion of the famous Missouri question, that a portion of the New York members did not come in aid of the South on any question between northern and southern democrats ?

The delegates to the Baltimore Convention from the state of New York were composed indiscriminately of radicals and hunkers. Samuel Young, Benjamin F. Butler, C. C. Cambreleng, Robert Campbell, jr., Alonzo C. Paige, Albert Lester, and John Fine, radicals, and Daniel S. Dickinson, Erastus Corning, Job Pierson, John Stryker, Thomas B. Mitchell, and John C. Wright, hunkers, were on the delegation. Although the delegates from this state may have differed in opinion about the *time* when Mr. Van Buren's name should be withdrawn from the competition for the nomination, as will hereafter be seen, we have never heard, nor do we believe that any of them acted, either openly or covertly, in bad faith.

A highly intelligent and candid member of the New York delegation has, at the request of the author, favored him with a communication containing the reminiscences of the writer of the proceedings of his colleagues, and of what occurred in the convention. We shall give the substance of that communication in his own words, though we regret to say that we are not permitted to furnish the reader with the name of our correspondent.

After alluding to the fact that Mr. Van Buren, as early as the year 1842, had received notice that he had been nominated for the next presidency by the democratic members of the legislature of the state of Missouri, and to the answer of Mr. Van Buren, addressed to those members, in which he expressed his unalterable

determination not to be again a candidate ; and also to the proceedings of the democratic party in the south-western states, denying the right of Mr. Van Buren to decline being a candidate, and insisting that he had become so identified with the leading measures advocated by the democratic party, that a political victory of that party could not be achieved in 1844 without inscribing his name on their banner : and also, after stating what we have already mentioned, that a majority of the delegates elected to the Baltimore Convention had been instructed to support Mr. Van Buren, our correspondent says :

"The New York delegation held a meeting in the city of New York when on their way to Baltimore. At this meeting Mr. Butler, and other members of the delegation, expressed fears that the *two-third rule* would be adopted by the convention. After arriving at Baltimore, we held several meetings for private consultation. Judge Fine, who was then a member of congress, stated at one of those meetings, that for several weeks then past, most of the friends of *annexation* in congress had been engaged in various devices to impress upon the members of the convention that Mr. Van Buren's popularity was on the wane,—that the friends of Gen. Cass, Senator Buchanan, and Judge Woodbury, were acting in concert with the southern delegates, and would so vote in convention : that is to say, they would vote for 'the two-third rule.' which would as effectually defeat Mr. Van Buren's nomination as if they openly violated their instructions by a direct vote against him.

"Judge Fine, Mr. Butler, and other members of the New York delegation, reposed great confidence in the opinions and statements of Mr. Cave Johnson, of Ten-

Tennessee. He frequently met with our delegation, and expressed himself in the strongest terms of personal and political friendship towards Mr. Van Buren and Mr. Wright. He said he regretted that the democratic convention in Tennessee had not named Mr. V. B. as the candidate. So strong was the confidence of the New York delegation in Mr. Johnson as the friend of Mr. Van Buren, that he was apprized of all our plans in regard to the organization of the convention, and was requested to nominate Gov. Hubbard, of New Hampshire, as temporary chairman. But when the convention assembled," [on the morning of the 27th of May,] "fifteen minutes *before* the time fixed for commencing proceedings, Gen. Saunders, of North Carolina, called the convention to order, and nominated Hendrick B. Wright, of Pennsylvania, a friend of Mr. Buchanan, as temporary president."

Among the most distinguished members of the convention from states other than the state of New York, were Gov. Hubbard, of New Hampshire; George Bancroft, Gov. Morton, and Mr. Rantoul, of Massachusetts; Isaac Toucey, of Connecticut; George A. Vroom, of New Jersey; George C. Dromgoole, of Virginia; H. B. Wright, of Pennsylvania; Gen. Saunders, of North Carolina; R. J. Walker, of Mississippi; Samuel Ewing, of Ohio; J. W. Tibbatts, of Kentucky; and Senator Hannegan, of Indiana. Mr. Walker, Gen. Saunders, and Mr. Cave Johnson were the principal managers for the delegates from the southern section of the Union.

Before the convention was regularly organized, Gen. Saunders moved that the rules and regulations adopted by the national conventions of 1832 and 1836 should be adopted as the rules of that convention. After some

conversation Gen. S. withdrew his resolution, and the assembly proceeded to ascertain who were entitled to seats. There were 336 delegates in attendance, several of the states having elected a greater number of delegates than the number of electoral votes to which they were entitled.\* It was finally agreed that all the delegates chosen should be considered members of the convention; but that in voting each state should be entitled to give votes equal to its number of electors in the electoral college, and no more. After this decision was made, "it was understood," says our correspondent, "that the delegates from Virginia, Illinois, and several other states, among whom there was a difference of opinion with respect to the propriety of adopting the two-third rule, agreed, in order that the states from which such delegates came should have their full and legitimate influence and weight in the convention, that the minorities should yield to the majorities, (not the majorities to the minorities, according to the principle of the two-third rule,) and cast the whole vote of the state according to the wishes of the majority." Thus, suppose there were 25 delegates from Virginia, 13 of whom were for the two-third rule, and 12 against it, the state of Virginia gave 25 votes for the rule. The friends of Mr. Van Buren complained that the adoption of this practice operated against their candidate.

After these preliminary matters were settled, General Saunders renewed his motion for the adoption of the rules of 1832 and 1836. This occasioned a long and highly inflammatory debate. The only question in issue was that in relation to the two-third rule.

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\* There were 53 delegates in attendance from Virginia.

Mr. Butler concluded an argumentative and eloquent speech against the rule in the following words:

"I ask, Mr. President, of the calm and deliberate judgment of the convention, whether they will adopt a rule not only unsound and false in principle, but which, if adhered to, will, beyond all peradventure, end either in preventing any nomination whatever, or else in coercing the majority to yield to a minority. Adopt this rule, and what are the majority to do? Either they must surrender their preference—abandon their first choice, the man, perhaps, whom they were instructed to support—or else the convention must break up, and all that we came here to do, be left undone. In the latter case, the convention, by its own act, becomes a nullity—a *felo de se*. It cuts its own throat—applies the pistol to its brain, the dagger to its heart. Is this the way to carry out the purpose that brought us here? We were sent here to do something. Our mission is not that of a legislative body. They need not act at all. We have no such discretion. We are sent here to act—to make a nomination. And I submit that to adopt a rule which requires what we know cannot be done—unless the majority yield to the minority—is to subject ourselves to the rule, not of reason, but of despotism, and to defeat the true purposes and objects of the convention—the accomplishment of the people's will for the promotion of the people's good."

Mr. Walker replied to Mr. Butler with some asperity. If the sketch of Mr. Walker's speech which has been published, is correct, it was at least singular, if he meant it should be considered and received as an argument proper to be addressed to men of common candor and common sense. As a specimen

of it, we copy the following paragraph from the Albany Argus:

"Mr. Walker, of Mississippi, regarded the question as fully presented by the resolution of Mr. Saunders, and went on to argue in favor of the two-third rule—having prevailed ever since the convention system existed, whenever there had been a divided sentiment as to candidates, or whenever there was any state of things to which such a rule could apply; and insinuating that the settled rule was now sought to be changed, not to benefit the democratic party, but to affect favorably an individual of that party—to elevate men above measures. He argued also in favor of the rule in the abstract, as necessary and right in order to secure for the nominee the vote of a majority of the democratic party, *and that to reverse it, would be to give to a minority of the democratic party the power to dictate to the majority who should be the candidate.*"

So far from its being true that "the two-third rule had prevailed whenever there had been a divided sentiment as to the candidate," such a case had not, as we have seen, occurred since it was introduced in 1832, and of course it had never been so applied. Mr. Monroe, in 1816, was nominated in a congressional caucus against Mr. Crawford by a majority of nine votes only.\* Mr. Walker's proposition, that to abolish the two-third rule, and allow a majority vote to control, "would be to give a minority of the democratic party the power to dictate to the majority who should be the candidate," is so palpably absurd that it would be offensive if urged by any man of common sense to an intelligent audience. We therefore seriously doubt whether Mr. W. can have been

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\* The author was a member of that caucus.

correctly reported. On calling the ayes and noes the two-third rule was sustained by the following vote:

*Ayes*—Massachusetts 5, Vermont 3, Rhode Island 2, Connecticut 3, New Jersey 7, Pennsylvania 12, Delaware 3, Maryland 6, Virginia 17, North Carolina 5, Georgia 10, Alabama 9, Mississippi 6, Louisiana 6, Tennessee 13, Kentucky 12, Indiana 12, Illinois 9, Michigan 5, Arkansas 3—148.

*Noes*—Maine 9, New Hampshire 6, Massachusetts 7, Vermont 3, Rhode Island 2, Connecticut 3, New York 36, Pennsylvania 13, Maryland 2, North Carolina 5, Ohio 23, Missouri 7—116. *Absent*—one from Pennsylvania, and one from North Carolina.

On this proceeding a correspondent of one of the Albany journals remarks:

"The opponents of the two-third vote lose much by some states casting a divided vote, where the majority of the delegation were *against* the rule—as in Massachusetts and Pennsylvania—and by other states casting their entire vote *for* the rule, where there was a division of sentiment—as in New Jersey, Alabama, Indiana, and Virginia. Virginia was the last to vote, the delegation being permitted to retire to consult, and not coming in until all the rest of the states had voted. Her vote was of course decisive, and such a scene of uproar, excitement, and confusion could scarcely have been equalled even in the house of representatives. The proposition on which the convention voted was General Saunders' proposition moved as a substitute for Mr. Jewett's—the latter proposing a committee of twenty-six to report rules, and the former moving his substitute, adopting the rules in force in 1832 and 1836, the two-third rule among the rest. The speakers who took part in

the debate were Messrs. Tibbatts of Kentucky, Morton and Rantoul of Massachusetts, Walker of Mississippi, Dickinson and Butler of New York, Medary of Ohio, Jewett of Maine, Colquitt of Georgia, Hubbard of New Hampshire, Toucey of Connecticut, and Saunders of North Carolina."

The delegates from the following states were either instructed by the respective conventions who elected them to vote for Martin Van Buren, or those conventions actually nominated him for president,—Pennsylvania, Ohio, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Louisiana, Alabama, Mississippi, Arkansas, Illinois, Michigan, and New York,—and yet there were sixty-three votes given from those states in favor of the two-third rule.

Every man in that convention knew that a majority would vote (as they shortly after did) for Mr. Van Buren. They knew also that if the two-third rule prevailed Van Buren could not be nominated. A vote therefore *for* the two-third rule was a vote *against* Mr. Van Buren. So self-evident is this proposition, that to charge any member of the convention with not *knowing* that this would be the effect of such a vote, would be to charge him with idiocy. Mr. Brewster nevertheless said that no delegate from Pennsylvania "dare" return home without voting for Martin Van Buren, so long as his name was before the convention; and yet twelve of the Pennsylvania delegation, of whom Mr. Brewster we presume was one, voted *for the two-third rule*. Mr. Buchanan was opposed to the nomination of Mr. Van Buren; what his motives for that opposition were, we do not choose to inquire, and although the Pennsylvania delegation did vote for Van Buren, it is well known that from regard

to Mr. Buchanan, or some other cause, they did not desire that the person for whom they voted should be the nominee. Some of the delegates from Massachusetts and other states undoubtedly voted with feelings similar to those of the Pennsylvania delegates. To justify their conduct in the view of conscientious men requires a species of casuistry which we do not understand.

The convention then proceeded to ballot for a presidential candidate seven times, with the following results :

	Van Buren.	Cass.	Johnson.	Buchanan.	Woodbury.	Calhoun.	Stewart.
1st ballot,	146	83	24	4	2	6	1
2d " "	127	94	33	9	0	1	1
3d " "	121	92	38	11	2	2	0
4th " "	111	105	32	17	0	1	0
5th " "	103	107	29	26	0	1	0
6th " "	101	116	23	25	0	0	0
7th " "	99	123	21	22	0	1	0

The votes given for Mr. Buchanan must be regarded as blank ballots, for he had declared himself *hors du combat*. After these several ballotings, the convention adjourned until the next morning.

Before the adjournment, and during the intervals of the ballotings, much conversation took place between the delegates from New York and the delegates opposed to the nomination of Mr. Van Buren, and various suggestions were made on both sides. After the adjournment these conversations, or attempts at negotiation, were repeated.

"The delegates from Ohio and other states, amounting to more than one-third of the convention, who were friendly to Mr. Van Buren's nomination," says our correspondent, from whom we again quote, "informed

the New York delegation that they would continue to support *Mr. Van Buren as long as he should remain a candidate; and if his name should be withdrawn, they would act in concert with the friends of Mr. V. B.*" [This generous overture, it will be perceived, under the operation of the two-third rule, put it in the power of the New York delegation to make such nomination as they preferred, or to prevent the making of any nomination.] "On Tuesday evening," continues our correspondent, "some of our delegation had another interview with Mr. Cave Johnson, who gave them assurances that Col. Polk" [who it seems had received a few votes on the eighth ballot] "was a warm friend of Mr. Van Buren and Mr. Wright."

Before Mr. Butler left New York, Mr. Van Buren addressed to him a letter, in which, in anticipation that dissensions might arise in the convention, Mr. V. B. authorized and instructed Mr. Butler to withdraw his name as a candidate whenever he (Mr. Butler) should become satisfied that the use of it would not tend to harmonize and unite the convention. In the same letter Mr. Van Buren expressed great solicitude that in case his name should be withdrawn, Mr. Wright should be nominated. On Tuesday evening the New York delegation held a consultation, but did not arrive at any definite conclusion as to what should be their future course in the convention. On Wednesday morning, before the convention proceeded to a ninth ballot, the delegates from New York asked leave to withdraw. On that occasion, after they had withdrawn, Mr. Butler communicated the instructions he had received from Mr. Van Buren. He also stated, that in his judgment the time had arrived when Mr. Van Buren's name ought to be withdrawn;

but as he felt that in so doing he should assume a high responsibility to his friend as well as to the public, and as he might err in judgment, he could not venture on so important an act without the advice and consent of his colleagues. He also requested the delegation to advise him whose name should be announced as the second choice of the democrats of New York for president. Mr. Wright was then mentioned as the person most likely to obtain the support of the convention and of the people of the United States. It was well known that his name had been previously mentioned by many distinguished and influential politicians at Washington as a suitable candidate for the presidency, with their cordial approbation; and the delegates generally expressed a decided opinion, that in case Mr. Van Buren's name should be withdrawn, that of Mr. Wright should be presented. But Judge Fine thereupon produced and read to his colleagues the following letter from Mr. Wright:

“WASHINGTON, May 23, 1844.

“Hon. JOHN FINE:

“MY DEAR SIR—As I know you intend to leave the city to-day or to-morrow, to attend to your responsible duties as a delegate to the Baltimore Convention; and as you are a delegate from the congressional district in which I reside, and are as well my representative in the convention, as my neighbor and personal friend, I beg leave to trouble you with this note. You will doubtless think and feel that I am performing a work of supererogation, as I do myself: and yet, in the present unsettled state of the democratic mind in relation to the doings of the convention, I do not feel at liberty to omit any act,

which may protect me from being made the instrument, however honestly and innocently, of further distractions.

" Within the last few days several too-partial friends have suggested to me the idea that, by possibility, in case the opposition to the nomination of Mr. Van Buren should be found irreconcilable, a compromise might be made by dropping him, and using my name. I need not say to you that a consent, on my part, to any such proceeding, would justly forfeit my standing with the democracy of our state, and cause my faith and fidelity to my party to be suspected everywhere. Personal objections are not made against Mr. Van Buren in any quarter; and if his known political principles and opinions are to set him aside as the republican candidate for president, the same objections would make me ineligible, so far as my principles and opinions are known; and I am not yet prepared to believe that the democratic party of the Union will give a more ardent and enthusiastic support to a candidate upon its ticket for that high office whose principles are unknown to them, than to one known to cherish, at every hazard, principles in precise accordance with its own. If that be the present disposition of the party, or of its representatives in the Baltimore Convention, I cannot consent to make myself, humble as is my position in that great party, the instrument to withdraw such a canvass.

" The republicans of New York, with a unanimity never surpassed, have made it the duty of yourself, and your colleagues in the convention, to present for its acceptance the name of Mr. Van Buren, as their choice from among themselves, and they have given to you no direction to withdraw his name and substitute any other. If he is not acceptable to the convention, they have no

candidate before it, by any expression or act of theirs. It is not the high office for a citizen of the state which they seek, regardless of the hands in which it is to be placed. If by the consent and concurrence of the democracy of the Union, the high trust can be reposed in his hands, they will feel that their principles and their country are safe, and that their cherished state is honored, highly, generously honored ; but if the democracy, as represented in the convention, cannot concede to this their expressed wish, they have no candidate, and their delegates are left, like others, to make a selection from such other names as shall come before them.

"These are my views of your position and of your duties, and to consent to the use of my name as a candidate, under any circumstances, would be, in my view, to invite you to compromise the expressed wishes and instructions of your constituents for my personal advancement. I can never consent to place myself in a position where the suspicion of acting from such a motive can justly attach to me ; much less, to be a party to such action. I never can consent to place you and your colleagues in a position seeming to invite misrepresentation, on your part, of those to whom you owe your responsible trusts, and to whom I owe all that I am, and all I have, as a public man.

"I know well, my dear sir, that I could not present a temptation to you, or your respected colleagues, which would induce a man of you to swerve from your fidelity to your constituents, and your high duty to our great party and our common country ; but I desire that you, as my immediate representative in the convention, should have in your possession the evidence that I cannot be made the instrument of any embarrassment upon you.

"If it were proper I could tell you, with the most perfect truth, that I have never been vain enough to dream of the office of president, in connection with my own name, and were not Mr. Van Buren the candidate of our state, I should find just as little difficulty as I now do, in telling you that I am not, and cannot, under any circumstances, be a candidate before your convention for that office. It is wholly unnecessary, however, to speak of a state of things which does not exist, and you will therefore be pleased to apply this remark to that which does.

"I do not anticipate any occurrence which will call upon you to use this letter, and I certainly do not wish to have it used in any other contingency, because I should regret very much to seem to assume that I have been, am, or may be, a candidate by my own agency. Still, it is submitted to your discretion, to be used in case any effort shall be made, during the sitting of the convention, to connect my name with the office, in a manner which shall appear to you to call for this unconditional interdict from me.

"In great haste, I am most truly yours,

"SILAS WRIGHT."

The delicacy of feeling of the writer towards his old and valued friend, the high sense of honor, the ardent devotion to the success and prosperity of the political party to which he belonged, and the exalted patriotism which breathes through every line of this letter, must commend it to the heart of every reader.

After Mr. Wright's letter had been read, and after Judge Fine, against the remonstrances of some of the delegates, had declared his unalterable determination,

that in case the name of Mr. Wright should be proposed as a candidate in the convention, he would communicate his written refusal to that assembly, "considerable conversation," says our correspondent, "was had in the consultation held by the delegates on the subject of the name to be presented. Col. Young, Senator Lester, and several others, remarked that Mr. Van Buren was their first and only choice, and the delegation were very much divided in opinion as to whom they would support, when Mr. Van Buren's name should be withdrawn. Mr. Butler thereupon requested permission of our delegation to state when he should withdraw Mr. Van Buren's name, whom *he* [Mr. B.] preferred next to Mr. V. B. for a presidential candidate, to which there did not seem to be any objection. Our delegation then returned to the convention. They were then balloting for a candidate."

After Mr. Roan, of Virginia, on casting the vote of that state for Mr. Polk, had briefly addressed the convention, and in the course of his remarks had handsomely complimented the state of New York and its delegation, the vote of New York being called for, Mr. Butler, on behalf of the Ne<sup>r</sup> York delegation, rose to respond to the remarks of Mr. Roan, as well as to inform the convention of the result of the deliberations of the delegation during their absence. He said the democracy of New York, notwithstanding the unhappy differences that within a few weeks past had existed between them and their brethren of Virginia, had never supposed that they were to be separated for any length of time. "New York," said Mr. Butler, "has never doubted that in the end Virginia and New York would be found battling side by side in the cause of the constitution and the

country." Mr. Butler then stated to the convention that the New York delegation, during their recess, had consulted on a question of the deepest interest to every member of it. "It was," said he, "no less a question than this, whether they had fully discharged the duty imposed on them by the instructions of their constituents; whether they had faithfully redeemed their pledges to obey those instructions; and whether, under the circumstances in which they were placed, they were required, by that spirit of concession, of harmony, and of patriotic devotion to the union of the party, which should animate every democrat, even when acting in a representative capacity, to withdraw the name of the candidate of their choice not less than of their state, from before the convention. It was impossible for the delegation of New York to enter on the consideration of these questions, without the deepest emotion and solicitude. And I need not tell you, sir, that to no one of our number did they address themselves with more intense force, awakening every sentiment of honorable friendship, of public and of private obligation, and stirring up the very depths of his inmost soul, than to myself. Mr. B. then proceeded to speak of the relations existing between Mr. Van Buren and himself, in a strain of warm and unaffected feeling, which deeply impressed the convention. Indebted to him for the means of acquiring the profession through which he had attained to whatever of public consideration he enjoyed; for years a member of his family: his partner in professional, his friend, supporter, and associate in political and public life; the ties by which he was bound to the distinguished citizen of New York, whose name had been so honorably presented to the nation for the first office

in its gift, were almost as strong, as sacred, and as tender, as those which bind a son to a father."

"As regards Mr. Van Buren himself," says Mr. B., "I could entertain no doubt as to the propriety of the step; for I have in my possession a letter from that gentleman, the existence of which, until this morning, I have kept a secret from all my colleagues, under which I feel myself fully authorized to withdraw his name whenever it shall be found necessary to do so to promote the interests and secure the harmony of the great democratic party of the Union."

"Mr. Butler," says the reporter, "was here interrupted by a general and deafening burst of applause, the entire convention rising, and waving hands and handkerchiefs for some moments." \* \* \* \* "Having this authority," continued Mr. B., "I took occasion, during our recess, to say to my colleagues—and the circumstances in which I stood seemed to impose on me the lead in this matter—that, in the present state of the canvass, and with the information I had received as to its probable results, I should think it due to the honor of my friend, to the harmony of our common democracy, and to the interests of the people of New York and of the Union—to withdraw his name, unless they advised to the contrary. But my colleagues would not throw this weight of responsibility on me. They passed a resolution authorizing me to withdraw the name of Mr. Van Buren, if I should deem it expedient, after consulting our friends from other states. On returning to this hall, we learned that some of them, anticipating our decision, had already cast their votes for another candidate, and on consulting with the others, no doubt is left as to the course to be pursued. While, therefore, I return, in the

name of the democracy of New York, to those who have sustained by their votes in this place the candidate of our state, our most unfeigned and hearty thanks, I do now, in the name of the delegation of New York, and with the authority of Mr. Van Buren himself, withdraw his name from the consideration of this convention as a candidate for the presidency."

Mr. Butler then proceeded to state, that as to the individual to whom the vote of New York would be given, the resolution of the delegates authorizing him to withdraw the name of Mr. Van Buren, which he had previously mentioned, directed him to say, that each delegate would vote according to his own sense of duty. He was, however, permitted to state his own next preferences; and he thereupon declared that he should vote for James K. Polk, of Tennessee. After delivering a high encomium on the virtues, talents, and patriotism of Mr. Polk, he concluded by saying :

"Since my arrival in this city I have received a letter from the hermitage, in which the apprehensions and regrets occasioned by these untoward circumstances are repeatedly referred to, and from which, now that I can do it without impropriety, I take the liberty to read the closing lines : 'May God bless you, my dear friend, and preside over your deliberations, and may confidence, on the part of all the democracy, again be united on Mr. Van Buren. This is the sincere prayer of your friend, Andrew Jackson.'

"Now, Mr. President, though this prayer may not be fulfilled in the precise form in which it was expressed and desired by him who offered it, it may well be that Providence designs to answer it in substance, more surely and completely, with James K. Polk as our candidate,

than could have been done with any other leader. Such, I would fain hope—such, sir, as I read them, are the auguries of the present hour. I rely on the nomination in which we are now about to unite, for union, harmony, success. And I trust that long ere the good old patriot of the hermitage is called from the anxieties and cares of earth to the rewards of immortality, he may be permitted to hear from every corner of this glorious Union, the shouts of the democracy over the triumph of our party and our principles, and the redemption of our country in November, 1844."

We are aware that we do injustice to Mr. Butler by giving only detached parts of this speech, but the limits prescribed to this work will not permit us to present the reader with the whole of it. His ardent friendship for Mr. Van Buren, his devotion to the cause of the democracy of the Union, and the intensity of his feelings were evinced by every word he uttered, and produced a most thrilling effect upon his audience. In every part of the speech he was interrupted by loud and hearty cheers; and "he sat down," says the reporter, "under a burst of applause which was continued for a long time."

Gov. Dickinson, of New York, here rose, asking if New York had been called: and on receiving an affirmative answer, said he would announce the vote in one moment. He said he always had confidence in the masses, *and this convention had behaved so like a mass-meeting, that he felt quite at home.* New York was now in a situation to do what the delegation were sent there to do—to help make a nomination for president. He would not travel over the ground that had been so well occupied by his colleague; but he must be permitted to express the hope that it would not now be a matter of

regret, on the part of her brethren of other states, that New York had a giant's strength, nor did he presume that it would be deemed tyrannical if she now used it like a giant. New York gave thirty-five votes for James K. Polk, of Tennessee, and one blank.

Mr. Walker then rose, and said he hoped he should be indulged while he poured out his thankful gratitude to the great and noble democracy of New York, for the generous and patriotic sacrifice which she had made on this occasion. "Sir," said he, "that great and noble state has not only saved the democracy of the Union, but in my soul and conscience I believe it is not too much to say, that she has saved the Union. Yes, sir, but for her, utterly fruitless would have been the effort to unite the democracy of the Union."

About three weeks after the Baltimore Convention was held, when Mr. Wright was passing through the city of New York on his return from Washington, an immensely large democratic mass-meeting was held at Castle Garden, in that city, to respond to the Baltimore Convention. Mr. Butler was chosen chairman of the meeting. In the course of its proceedings, Mr. Wright being in attendance, was loudly called for. He was introduced by the chairman, who took occasion to state to the meeting the desire of the delegates, from this and several other states, on the withdrawal of the name of Mr. Van Buren, to propose to the convention that of Mr. Wright; and that they were prevented from doing so by Judge Fine producing his letter, of which a copy has already been given. Mr. Butler also alluded to the nomination by the convention of Mr. Wright for the office of vice-president, and his refusal to stand as a candidate for that office.

Mr. Wright, in his response, said to the meeting in relation to his refusal to permit his name to be used as a candidate for the presidency, the substance of what is contained in his letter to Judge Fine. He also gave his reasons for declining the nomination for the vice-presidency; and it is for the purpose of enabling him to speak to the reader on that subject himself, that we have introduced this account of the proceedings at Castle Garden.

"With respect to the nomination for the second office in the government," said Mr. Wright, "which was tendered to me in a manner so generous, so magnanimous, as to be entitled to my everlasting thanks—and these feelings of gratitude I feel, and have attempted to express to that body as I now do to you—yet I felt myself no more at liberty to accept that honor than the former, had it been offered; and an additional reason, peculiarly strong, interposed itself without our agency. It was a new question. I refer to the annexation of Texas to the United States. Mr. Van Buren," continued Mr. Wright, "had, upon the call of a delegate to that convention, addressed to the public a letter, giving his opinions on that question. That letter was not acceptable to a large portion of the democracy in one section of the country. The opinions he entertained constituted one, and a principal one, of the objections to his nomination. Upon the most mature consideration of the subject, with all the information I did possess, or was able to collect, I was compelled to approve of his letter in my judgment. At the time of the sitting of the convention I had made up my mind; I had no instructions from you, or from those I represented. Our state had never acted upon that question. I was left to form my own judg-

ment of its merits. That judgment was, that I could not vote for the treaty then presented to the senate. That vote was soon to be given. It could not be known to the convention, and it would have been unfair on my part to accept a nomination when I believed that act would meet the disapprobation of at least a large number of that body. Promptly, then, I declined the nomination on that ground. Another point influenced me strongly, and I mention it because I fear I may be subjected to the accusation that a *miff* of feeling influenced me because my favorite candidate had not been selected. If I know myself, no such feeling was present with me at any moment. But I did not feel that when you and the great body of the democracy of the state had expressed and sent up to that respectable body, representing the democracy of the whole country, a preference for a candidate for the first office, and when that candidate had not been selected—I did not feel that I had a right to assume, either that I was your choice for the second office in the people's gift, or that I had a right to designate the man.

"I felt further—and if I erred you certainly ought to know it—and I certainly stand responsible for the error—I feared that we might be charged as having required the second nomination to conciliate us to the support of the first, differing as it did from that which we preferred. And never—no, never, fellow-citizens, could I consent to be subjected to such a suspicion, much less could I subject your patriotism and attachment to the democratic cause and its principles, to such imputation. I desired to leave you free, knowing, or at least acting under the impression, that my democratic brethren throughout the state would honorably and ardently re-

deem the pledge they had ever made that they would support the nominations of the convention. I desired that your support should be given in that frank, and manly, and honest manner, and not from the assumed fact that an humble fellow-citizen of yours had been placed upon the ticket. And now I feel assured it will be so, and that Polk and Dallas will receive as cordial a support as would Mr. Van Buren, or any other man in the country."

It is almost unnecessary to add, that Mr. Wright's reception by the meeting was most cordial, and that his speech, of which we have given but a very small part, was received with acclamations, and greeted with long and loud applause.

Mr. Polk was apparently brought forward as a peacemaker, or mediator between two contending parties, consisting of the friends of Mr. Van Buren on one side, and a combination of the friends of Messrs. Cass, Woodbury, and Buchanan on the other. But our correspondent says that the legitimate or original friends of Mr. Cass, independent of the party for Texas annexation, meaning, we suppose, the southern party, were but ten in number, and those of Mr. Woodbury only six. Whether the name of Mr. Polk was introduced from the impulse of the moment, produced by the existing exigency, and entirely without preconcert, or whether in anticipation that the state of things must and would occur, which actually did happen before his name was mentioned, his friends had not, for a long time before the convention, formed a project of making him a candidate, is and probably ever will be a matter of curious speculation. There are one or two considerations which would seem to indicate that the latter conjecture is probably correct.

First. The democracy of Tennessee were supposed to be the peculiar friends of Mr. Van Buren. They had cordially agreed with him in all his measures. Gen. Jackson, Mr. Polk, and Mr. Cave Johnson, were the leaders, and were presumed to influence the action of the democratic party in that state. They were ardent personal and political friends of Mr. Van Buren, and yet the Tennessee convention in the winter of 1844 refused to recommend Mr. Van Buren for the presidency.

Second. After Mr. Polk's election, Mr. Buchanan, who, at the convention, influenced the delegation of Pennsylvania against Mr. Van Buren, was appointed secretary of state; Mr. Walker, a most zealous opponent in the convention to Mr. V. B., was made secretary of the treasury; Mr. Cave Johnson, the *confidential friend of the New York delegation*, received the office of postmaster-general; and on Gen. Saunders was conferred a foreign mission.

It is, however, submitted, that it is more probable that the shrewd and sagacious politicians from the South, long before the meeting of the convention, foresaw that a difference would be produced between the friends of the northern candidates, Van Buren, Cass, Buchanan, and Woodbury; that the agitation of their conflicting claims would produce much and highly excited feeling between the partisans of these candidates; and when that excitement should reach its culminating point, it would be the proper moment to bring forward the name of a citizen of one of the southern states as the most available candidate. Thus they did not settle on any individual, but left it for time to develop what southern gentleman—say King of Alabama, Walker, or Polk—would receive the strongest support of the delegates

from the grain-growing states, in the mean time keeping their own ranks unbroken, ready to give an undivided vote for that southern candidate who could rally the greatest number of friends from the northern and north-western states. Although southern gentlemen are constitutionally ardent and impetuous, no politicians in the world know better how to "bide their time" than they. The moment New York declared for Col. Polk they were no longer the friends of Gen. Cass, but forthwith abandoned him, and with great unanimity supported Mr. Polk. This hypothesis seems to us more probable than the conjecture that the southern politicians had, previous to the convention, concocted their scheme of operations solely with a view to the elevation of Mr. Polk.

"I do not," says the delegate to the Baltimore Convention from whom we have quoted so much, "charge Mr. Van Buren's defeat at the convention entirely to the 'slave power,' but to its influence operating upon the ambition of other political aspirants for the presidential chair, aided by the patronage of the Tyler administration, which was lavishly bestowed with a view to prevent his success."

After the nomination of Mr. Polk, and before an adjournment for the afternoon, "Mr. Walker," says the reporter of the proceedings, "took the floor, and after a few remarks on the happy consummation of the morning's session, nominated the Hon. SILAS WRIGHT as a candidate for the vice-presidency, expressing the hope that it might be done by acclamation. Mr. W. pronounced a high eulogium on the moral and political character of Silas Wright, declaring him to be the Nestor of the Union, of the most pure and disinterested character.

"Mr. Dromgoole, of Virginia, rose, as the organ of the delegation from that state, to second the nomination of Silas Wright. He addressed the convention at great length on political topics generally, eulogizing the character of Silas Wright as one of the most pure and patriotic statesmen in the Union.

"The convention then proceeded to ballot for vice-president, when the whole vote was cast for Silas Wright, with the exception of eight votes from the state of Georgia."

Judge Fine, at the request of the convention, spoke to Mr. Wright through the telegraph, informing him of his nomination, and inquired of him if he would accept and stand as a candidate. To this inquiry Mr. Wright promptly answered in the negative. Some persons doubting whether the question or answer had not been misunderstood, Judge Fine, after stating the unanimity with which the nomination had been made, and the universal and anxious desire that he would accept, repeated his question. The answer was, "No; under no circumstances." The convention then adjourned until the next morning, when Mr. Butler received and communicated to the convention the following letter from Mr. Wright:

"WASHINGTON, 29th May, 1844.

"**MY DEAR SIR,—**

"Being advised that the convention, of which you are a member, has conferred upon me the unmerited honor of nominating me as a candidate for the office of vice-president, will you, if this information be correct, present my profound thanks to the convention for this mark of confidence and favor; and say for

ime that circumstances, which I do not think it necessary to detail to it, but which I very briefly hint to you, [in another private letter to Mr. B.,] render it impossible that I should, consistently with my sense of public duty and private obligations, accept this nomination.

“I am, with great respect,

“Your obedient servant,

“SILAS WRIGHT.

“Hon. B. F. BUTLER.”

After the reading of this letter two or three ballottings succeeded without a choice, but the last ballot resulted in a pretty unanimous vote for Mr. George M. Dallas, [220,] who was thereupon declared duly nominated.

We will close the account of this convention by another quotation from our correspondent. Speaking of the declension of Mr. Wright, he says: “But a few months before he had declined an appointment to the bench of the United States Supreme Court, that he might be serviceable to his old and cherished friend, whom the democracy in almost every state in the Union, with singular unanimity, had designated as their candidate for president. He could not accept at the hands of a convention an office when that convention had disobeyed the declared will of their constituents, and sacrificed his friend, who had been *dragged* there an unwilling victim.”

During the session of the democratic convention, a few gentlemen from New York and some of the other states held a meeting in Baltimore, and nominated Mr. Tyler as a candidate for the presidency, but immediately after the nomination of Mr. Polk was announced, he declined to canvass for the office.

The whigs appear to have reserved their energies for the great national contest at the ensuing presidential election. The public sentiment of the party had settled upon HENRY CLAY. In 1840 his nomination would have been in accordance with the private feelings and wishes of a great majority of the party. But he had been beaten in 1832 by the dazzling popularity of Gen. Jackson, and on the issue in relation to the recharter of a national bank. Many of the whig politicians were impressed with the opinion that the renomination of Mr. Clay would force upon them the same issue which had been decided in '32 : and they therefore judged that sound policy required the selection of another candidate. In that opinion a majority of the whig national convention in 1840 concurred, and Gen. Harrison was made the whig candidate. Mr. Clay, however, had many ardent friends in the convention, who yielded with great and almost insurmountable reluctance. Perhaps there is not another man in the United States who has so many personal friends as Mr. Clay ; and that circumstance, connected with the recollection of the promptness with which he himself concurred in the nomination of Gen. Harrison, his efficient and zealous efforts in support of the election of his successful rival, and his gallant and noble bearing during all the misfortunes which happened to the whig party in consequence of the death of Gen. Harrison and the defection of Mr. Tyler, produced a feeling in his party throughout the nation in favor of his nomination in 1844, which was entirely irresistible. The effort to resist it would have been as useless as it would be to attempt to arrest the fall of water at the Niagara cataract.

The whig national convention was held at Baltimore

on the 1st of May. Two hundred and seventy-five delegates were present, and the venerable AMBROSE SPENCER, the able and learned late chief-justice of this state, was chosen president, and twenty vice-presidents and six secretaries were appointed. Immediately after the organization, HENRY CLAY was nominated for president with acclamations the most enthusiastic.

Some difference of opinion prevailed in the convention in relation to the selection of a candidate for the vice-presidency.

JOHN DAVIS, the present senator and late governor of Massachusetts, was supported principally by the delegates from the eastern states; MILLARD FILLMORE, by those from the state of New York and from some of the western states; and THEODORE FRELINGHUYSEN, by those from New Jersey and other states.

It is remarkable that a great number, and we believe a majority of the men who have most attracted public attention and most influenced public opinion in the state of New York, and indeed in several of the other states, are self-made men, who have risen to distinction by their personal merit and their own individual efforts, without the aid of wealth or influential connections. This is eminently the case with Mr. Fillmore. We believe he did not come to the bar very early in life. At any rate, before he had practised law a sufficient length of time to distinguish himself in his profession, he was elected to the assembly of this state from the county of Erie. He had not been long in public life when he was elected a member of congress from the district that included the county in which he resided. In congress, by his industry, talents, and great moderation and prudence, he soon acquired a powerful and commanding

influence ; and during the last congress, of which he was a member, he was chairman of the committee of ways and means, a position the most honorable and responsible of any in the house of representatives. In that situation he discharged so well and so ably his duties, that when he left that body perhaps no member of it held a higher standing in the house or the nation than he. Mr. Frelinghuysen, however, had been a senator of the United States ; he was the favorite of the whigs in New Jersey, and the party were desirous of strengthening themselves in that state ; besides, he was a man of respectable talents, great erudition, and highly distinguished for purity of character, for piety, and all the private and social virtues.

In the convention there were three ballottings for a candidate for vice-president. On the last ballot Mr. Frelinghuysen received 155 votes, and was declared nominated. The whigs did not embarrass themselves with the two-third rule, as appears from the following statement, which presents the result of the three ballottings :

	1st ballot.	2d ballot.	3d ballot.
T. Frelinghuysen.....	101	118	155
John Davis .....	83	74	79
Millard Fillmore.....	53	51	40
John Sergeant.....	38	32 withdrawn.	
 Total, .....	<hr/> 275	<hr/> 275	<hr/> 274

## CHAPTER XVI.

Public feeling on the announcement of the Presidential Nominations—Native American Party—Liberty Party—Anti-Rent Party—Two sections of the Whig Party—Conservative and Radical—Difficulties in the selection of a Democratic candidate for Governor—Radical papers demand the Nomination of Mr. Wright—His unwillingness to be a Candidate—His Letter to the Editor of the St. Lawrence Republican—Syracuse Convention—Mr. Wright nominated for Governor—Whig State Convention—Secret Circular—Mr. Clay's Letters—Their Effect—Action of the Native American Party—Also of the Liberty Party—Result of the Election—Position and Policy of the Governor elect—Mr. Wright resigns his seat in the United States Senate—Governor Bouck appoints Messrs. Dickinson and Foster United States Senators in place of Governor Wright and N. P. Tallmadge.

WE now return from the brief view we have taken of political contests in the nation, to those more particularly pertaining to the state of New York.

When the results of the conventions at Baltimore of the two great parties were known to the public, the prospect of the whigs was regarded as exceedingly favorable, and scarcely any reflecting man doubted of their success. These expectations were strengthened by the success of the whigs in the Albany city election, at which they succeeded in the election of Friend Humphrey as mayor by 624 majority, and in the election of a large majority of the common council.

The democratic convention at Baltimore had passed a resolution in favor of the immediate annexation of Texas. A large number of influential democrats were opposed to that measure, and cordially concurred in the opinion ex-

pressed by Mr. Van Buren in his letter to Mr. Hammit. Many others were opposed to annexation because the extension of slavery would, as they believed, be the effect of adopting the project. Mr. Clay had, in a speech at Raleigh, in North Carolina, declared himself opposed to annexation.

Mr. Polk was a new man, and had never served in any of the executive departments of the nation, nor had he had any diplomatic experience; and the whigs, through their public journals, tauntingly asked, "Who is James K. Polk?"

It was also conjectured that the personal and more immediate political friends of Mr. Van Buren would be disposed to resent his violent rejection at Baltimore merely on the ground of his opposition to Texas annexation. But the whigs were soon compelled to encounter difficulties which they did not anticipate. Several new parties all at once sprang up, and unfortunately for the whigs, drew a much larger number from their ranks than from those of the democrats. It will therefore be necessary to give an account of those parties, which we shall attempt to do with all possible brevity.

The great influx of foreigners into the city of New York for several preceding years, and the facility with which our naturalization laws permitted foreigners to become voters, had enabled the adopted citizens to hold the balance between the whigs and democrats in the city elections. The consequence was, that when either party obtained a victory, the adopted citizens claimed, as was alleged, an unreasonable share of the spoils; and the amount of patronage within the control of the mayor and common council of the city of New York was very great. This the native citizens thought unreasonable;

besides, many believed that a residence of five years was too short a period to enable a foreigner to acquire a sufficient knowledge of the true interests of this country and its institutions, to qualify him to exercise judiciously the functions of an elector. These and other considerations induced a large number, including among them a great proportion of the wealth, and talent, and respectability of the city, to unite and form a new party, under the cognomen of "Native Americans."

Previous to the April election in 1844, the whigs had nominated Mr. Morris Franklin, and the democrats Mr. Coddington, both worthy and respectable citizens, for the office of mayor. The natives held a meeting and nominated Mr. Harper, of the celebrated publishing firm of "Harper and Brothers." He was elected by a majority of 4,316. The natives also elected a majority of the aldermen and assistant aldermen of the city. After giving the result of this election, the shrewd editor of the Albany Argus pronounced it "a virtual extinguishment of the hopes of the partisans of Mr. Clay in the city of New York." How correct this prediction was will appear in the sequel.

Another party, which had grown into considerable importance, was known by the name of "The Liberty Party." This party grew out of the abolition societies, which were formed by associations to promote the immediate emancipation of slaves; of its origin we have given an account in a preceding volume.\*

This party had one article in their creed which they regarded as paramount to all others. Indeed, some of their presses claimed that it was a party of "*one idea*."

They cared not whether a man was called whig or tory, democrat or aristocrat; if he would declare that he would not vote for a slaveholder, nor for any citizen who would vote for a slaveholder, they hailed him as a brother: if not, however much he might condemn and oppose slavery, he was denounced, and excluded from the pale of the party. And yet this party, in proportion to its numbers, probably contains more men of wealth, of talents, and personal worth, than any party in the state. The excellent and pure-minded WILLIAM JAY, the zealous, benevolent, and talented GERRIT SMITH, the eloquent and able, though eccentric, ALVAN STEWART, the reverend and learned Professor BERIAH GREEN, and a host of others, would add strength and dignity to any party in the state or nation. They have, too, several able newspaper editors, among whom we cannot refrain from mentioning WESTLY BAILEY, editor of the Liberty Press, published at Utica, a man whose tact and talents as an editor qualify him to conduct, with success, any one of the most important political periodicals in the United States. The liberty party, of course, were opposed to the annexation of Texas. It was therefore evident they could not support Mr. Polk, because he had been preferred to Mr. Van Buren for the sole reason that he was in favor of annexation, and because the convention which nominated him had, with apparent unanimity, resolved to support that project as "a great American measure." The whigs very naturally concluded that as Mr. Clay was committed against annexation, and as the whig party in this state generally avowed themselves in favor of universal emancipation, that inasmuch as the liberty party could not hope, and did not even pretend that they had the power of elect-

ing an abolitionist for president, they would, upon the principle of choosing the lesser evil, cast their votes for Mr. Clay and for the whig candidate for governor. In this expectation they were entirely mistaken. They did not then know the indomitable firmness, perhaps we may say obstinacy, of those people. Mr. Clay was a slaveholder, and some of his supporters were slaveholders. The abolitionists, therefore, could not and would not support him. They early nominated James G. Birney for president, who was formerly a slaveholder in Kentucky, but who, from conscientious motives, had emancipated his slaves, and migrated to the state of Michigan, and Alvan Stewart for governor of the state of New York.

There was still another party, which, at the election in November, 1844, exhibited itself at the polls, which is known as the *anti-rent party*. There had, during the winter of this year, been several outrages committed by the tenants of Gen. Van Rensselaer, in the county of Albany, and disorders of a similar character soon appeared in the counties of Delaware, Columbia, Greene, and Rensselaer. The pretence for these outrages was the rigid and, as was alleged, unreasonable conditions contained in the leases by which the tenants held their lands. The history of the acts of violence committed by those people, and of their resistance by physical force to the execution of civil process, does not come properly within the scope of this work.\* But there was

\* The history of the anti-rent excitement, and the grievances of which the tenantry in some parts of the state complained, are very ably and candidly given by the present governor in his proclamation for the pardon of Daniel W. Squires, Daniel Northrop, and some fifteen others, who at the Court of Oyer and Terminer, in Delaware county, held in the year 1846, had been convicted and sentenced to the state prison for outrages com-

a large class of citizens of the counties we have mentioned, who entirely disapproved of physical opposition to the laws, and who contended that long leases, and the provisions of forfeiture for breaches of trifling and frivolous covenants, and the restraint on alienation by the tenant, by means of clauses in leases covenanting that heavy fines, under the name of "*quarter sales*," should be paid by the tenant to his landlord upon a transfer of the interest of the former in the demised premises, tended to prevent useful and permanent improvements of the country, and were inconsistent with the genius of our government. They also complained that the law which authorized the summary collection of rent by distress and sale was unreasonably oppressive. They insisted that these evils ought to be relieved by legislation, and that if effectual relief could be obtained in no other way, that the state ought to exercise its right of **EMINENT DOMAIN**. The people who thus reasoned sought, as they had a right to do, to make their voice heard through the ballot-box.

Although in the end the democrats suffered quite as much from the anti-rent excitement, and perhaps more than the whigs, yet the appearance in the political field of the anti-rent party, in addition to the Native Americans and abolitionists, was calculated to confuse and derange both parties, and especially the whigs, who were not so well organized as the democrats.

About this time (we speak now of the spring and

summer) in consequence of the anti-rent excitement. The history given by Gov. Young on that occasion, which is with great propriety made a part of his proclamation, is highly interesting, and well worthy of preservation. It ought to be read by all who desire to become acquainted with the cause, rise, and progress of the anti-rent disturbances.

summer of 1844) there began to appear symptoms of division and dissension in the whig party proper. A portion of that party viewed with favor some radical reforms in the government, which began to be talked of, and were inclined to sustain the claims of adopted citizens, particularly the Irish Catholics; while the other portion were averse to innovation, and extremely jealous of encouraging the interference of persons born foreigners with our political concerns. Of the former class of whigs, the late Gov. Seward, Mr. Weed, and Mr. Greeley of the Tribune, were the most prominent; and of the latter, the New York Courier and Enquirer, under the direction of Col. Webb, the New York Express, under the management of Mr. Brooks, and the Buffalo Commercial Advertiser, were the organs. The former class, for the sake of brevity, we shall call *radical*, and the latter *conservative* whigs.

While the whigs were laboring under these embarrassments, the democrats seemed doomed to encounter still greater difficulties.

The opposition to the renomination of Gov. Bouck, on the part of the state officers and their friends, of whom the Albany Atlas was the especial organ, was determined and vigorous. We have good reasons to believe that Mr. Van Buren, previous to the Baltimore Convention, desired that Mr. Bouck should be a candidate for re-election. He himself was known to favor the radical section, and they indeed were his confidential friends. If therefore he, as was then anticipated, should be the presidential candidate, he was too good a politician not to perceive that a cordial union of the friends of Gov. Bouck and the radicals was essential to secure the electoral vote of the state of New York; and if Bouck

should not be nominated, he could not be sure that such union would take place. He therefore looked with disfavor on the proceedings of the minority of the legislative caucus. We assume this statement to be true, rather from the actual condition of things, and the position of Mr. Van Buren, than from any specific facts in our possession. That Mr. Wright entertained the views we have ascribed to Mr. Van Buren, we have the evidence in our possession. A distinguished member of the hunker party thus writes to the author :

"I had occasion to go to Washington immediately after the adjournment of the legislature, [1844,] and while I was there I called upon Mr. Wright. He was evidently very much annoyed at the course of Mr. Hoffman and others in the legislative caucus. 'It,' he said, 'produced an impression abroad that New York was not united upon Mr. Van Buren, and was urged by his opponents to create the impression that he was not an available candidate.' I was personally anxious to have him succeed, not only because I was friendly to him, but also because I knew it would secure the renomination of Gov. Bouck. I do not think Messrs. Van Buren and Wright liked Mr. Bouck, but in view of Mr. Van Buren's nomination they were very desirous to prevent any dangerous controversy." \* \* \* "During the winter and spring," says the same gentleman, "constant and repeated efforts were made by Messrs. Dennison, Porter, and others, to induce Mr. Wright to be a candidate for the office of governor. This he firmly refused."

In the mean time, the *Atlas*, and several other papers, urged the nomination of Mr. Wright for governor ; and at a meeting of the democrats of the third ward of Albany he was nominated for that office. Mr. Croswell

thereupon wrote to Mr. Wright informing him of these facts, and of an apparent determination in some quarters to make him a candidate. Mr. Croswell further expressed to him an opinion, that if he would consent to be a candidate Gov. Bouck would withdraw his name.\* A letter of Gov. Bouck's has been shown to us, in which he says, "This [Mr. Croswell's] letter was shown me by Mr. Croswell, and I gave my entire assent to the suggestion." Gov. Bouck probably thought that he could not, consistently with his character or honor, yield the field to any of those persons who had assailed him; but that such had been the course of Mr. Wright towards him, and such was the high standing and character of Mr. W. in the state and nation, that he could with propriety decline in his favor. Mr. Wright in his answer to Mr. Croswell, which was received at Albany early in May, stated that he was apprized of the design to bring him forward as a candidate, but that under no circumstances would he consent that his name should be used for that purpose. In that letter Mr. Wright authorized Mr. Croswell to publish the card that was published in the Argus about that time, and which is recognised by Mr. Wright in his letter to the editors of the St. Lawrence Republican, which we shall by-and-by copy.

Still the Atlas, and other radical papers, continued to press the nomination of Mr. Wright. We are sure no one will suspect that he held one language to the editor of the Argus and another to the editors of the Atlas. The Atlas, and those with whom it acted, were determined, under any and every circumstance, to oppose the

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\* We have this information from an unquestionable source, but not from Mr. Croswell.

nomination of Mr. Bouck. They probably used the name of Mr. Wright under the impression that he might eventually, as in fact he did, consent to be a candidate; and should he not finally consent, the use of his name would strengthen the opposition to the renomination of Mr. Bouck.

This course of the Atlas and its friends was peculiarly embarrassing to the bunkers, and especially to Gov. Bouck. They could say nothing against the nomination of Mr. Wright for two reasons: first, because Mr. Bouck had offered to support his nomination; and, secondly, because they had declared, and they believed that Mr. W. would, under no circumstances, consent to be a candidate. They therefore could neither oppose Mr. Wright, nor withdraw the name of Mr. Bouck, while the manner in which the name of the former was used in the radical newspapers was every day detaching friends and supporters from the latter.

It is confidently alleged by the friends of Gov. Bouck, that *after* the Baltimore Convention Mr. Van Buren changed his views, and desired that Mr. Wright should be placed at the head of the government of New York. It was now urged that Gov. Bouck's retirement was called for to unite all interests. Mr. Bouck felt the full force of these considerations. One of his intimate and confidential friends writes thus to the author: "To my knowledge he (Gov. B.) wished to withdraw from the field, but his friends overruled him. They thought he could still succeed. But from this time the tide turned against him. Mr. Wright's nomination was called for by many who had heretofore condemned the war against Mr. Bouck, and the fact that he still refused to be a candidate seemed only to strengthen his position with the

public, while it paralyzed any opposition to him. No one could assail him while he refused to take the field." But although Mr. Van Buren may have changed his views after the Baltimore nomination, Mr. Wright did not, as will appear from his letter written for publication in the St. Lawrence Republican, dated so late as the first of August. There is so much of modesty, kind feeling, and good sense contained in this letter, that we are sure the reader will excuse us for copying the whole of it.

MESSRS. HITCHCOCK & SMITH—

The public papers and my numerous correspondents admonish me that the use of my name, in connection with the office of governor of this state, requires some further notice from me, and I ask a space in the columns of your paper for that purpose.

Since the meeting of the legislature, in January last, I have been frequently solicited to consent to this use of my name, by worthy and respected friends, members of that body, and others. To all such applications, prompt replies have been returned, entirely withholding the consent asked. In one or two cases, the announcement of my name in a public paper, as a probable candidate for this office, led to a correction, made at my instance, and to the published declaration that I interdicted that use of my name.

Not having succeeded in producing a general understanding of my position and wishes, by these steps, at about the adjournment of the legislature, I requested the insertion of an article in the state paper, in the following language:

"MR. WRIGHT NOT A CANDIDATE FOR GOVERNOR.—We have been shown a late letter from Mr. Wright, addressed to a friend in this city, in which he states explicitly, that he is not a candidate for the office of governor, and that he shall not be, under any circumstances he is able to anticipate. Mr. Wright says he does not desire that office upon any terms, and he certainly shall *not knowingly make himself the means of difficulties or divisions in the democratic party of the state*, to which he is so

deeply indebted, at any time, upon any question, or for any object ; and certainly not at a time like the present, when a vital national contest demands perfect harmony, and the united and patriotic exertions of the whole party. He adds, that he has communicated these determinations to several members of the legislature, long since, and that the proceedings of certain meetings of his friends in this county, making use of his name, had escaped his notice, until his attention was drawn to them by his correspondent."

This I had hoped would have saved me from misconstruction, and my friends from misunderstanding, and spared me the necessity of further troubling the public upon this point.

This expectation, however, has not been realized, and the recent use of my name by several meetings and associations of republicans, and in various democratic newspapers, is, I find, producing extensively the impression that my dispositions have undergone a change, and that my assent has been given to these proceedings.

It therefore becomes incumbent upon me, as I think, to correct this erroneous impression, and to put an end to misapprehension and misunderstanding, by declaring that my opinions, and feelings, and wishes have undergone no change ; that I am not a candidate for the office of governor at the approaching election ; and that I have no right, in my judgment, to become, and *cannot, under any circumstances, consent to be made a competitor for the nomination, either before the people, or the state convention, against any republican who is, or who may become a candidate.*

My private feelings and interests render the office of governor, elevated and honorable as it truly is, undesirable to me ; and the many favors I have received from the democracy of this state, and the high and responsible office I now hold through their kindness and confidence, forbid that I should consent to disturb the harmony, or impair the strength of that party, by permitting myself to become a competitor for any higher or other honors. My dispositions and my duty coincide here, for I have no ambition for more difficult or weighty responsibilities than those pertaining to the place I now hold. Conscious as I am that those great responsibilities have been

very imperfectly discharged, I cannot feel that degree of self-confidence necessary to voluntarily encounter greater.

I have felt an extreme, perhaps culpable reluctance to address the public in this manner, upon this subject. My many obligations to the democratic party of this state present, however, a plain and sufficient reason for this discharge of a manifest duty. With harmony of feeling and concert of action, the success of that party in the pending election, is not, in my judgment, doubtful. The manner in which the national nominations have been received and are supported, affords the most gratifying evidence that any state candidates, who shall receive the harmonious nomination of the state convention, will meet with an equally unanimous and warm reception from the entire democracy of the state, and with a triumphant election.

To promote this harmonious and successful result by all honorable means in my power, is my imperious duty, while to permit myself to become the instrument of interrupting that harmony, or of endangering that success, would be unpardonable ingratitude.

This communication should have appeared in the last number of your paper, but my absence for several days, and very pressing calls upon my time, after my return, prevented my giving the proper attention to this subject, until it was too late for that publication.

SILAS WRIGHT.

CANTON, August 1, 1844.

The above letter, as originally written, signed, and forwarded from Canton to Ogdensburg, did not contain the words in the seventh paragraph—"Against any republican who is or who may become a candidate." It will be perceived that by expunging those words, the refusal to be a candidate for the office of governor was unconditional and peremptory. The letter, before its publication, came into the hands of Judge Fine, who, after consulting the Hon. P. King and other confidential friends, proposed the alteration which would render

the refusal conditional, and to the alteration thus proposed and urgently pressed by his friends, Mr. Wright at last consented.\*

\* Since writing what is contained in the text, the author has been favored with two original letters, written by Mr. Wright to Judge Fine on the subject of the alteration of his letter to the St. Lawrence Republican. We give copies of both of them. They appear to have been written hastily. The first, in which he yields his consent to the alteration proposed by Judge Fine, is without date; but it must have been written before that dated 8th of August, as will be perceived by perusing both notes.

"**MY DEAR SIR:**—Your two notes came this morning, and I thank you for them. Your proposed correction of the article is important, and I am glad you see no objection to it thus corrected. My position now is made one of doubt, as masses of letters written to me show. It should not be that—and *I think I should go as far as I can go, and not say I will not accept a nomination under any circumstances; I would be most glad to say that, but perhaps I have no right to go so far;* yet I think I have a right to say, that I will not be thrown into the position of seeming to compete for the nomination against any candidate.

"I return Mr. Page's letter, and thank you for its perusal. It and the letter of Judge Willard are a fair exhibition of the different impressions and judgments which honest and good men form as to my position, and that it may well embarrass me.

"In haste, I am truly yours,

"**SILAS WRIGHT.**

"**HON. JOHN FINE.**"

CANTON, 8th August, 1844.

"**MY DEAR SIR:**—I received the paper yesterday, with the communication, and have been very busy for the last two days in replying to my numerous letters upon that embarrassing subject, making, of course, the published letter *the answer* in all cases. This strife between personal inclination and interest and public duty, disturbs a man's judgment and makes him a very unsafe counsellor for himself. At such times it is that he requires frank, faithful, and disinterested friends; and I really do not think there ever was a man, in so remote a location from the great centre of politics, so well supplied as I have been upon this occasion.

"To you I owe especial thanks for the ready and frank manner in which you have manifested your willingness to devote your time and mind to the questions presented, and to give me your opinion without reserve. (All our friends about you, Messrs. Perkins, Gillet, King, and Myers, have

It was represented to him that the result of the election in New York would decide, as in fact it did decide, the fate of the democratic party in the nation: that unless he would consent to be a candidate, such were the peculiar circumstances then existing, that the election of the state and nation would inevitably be lost to the democratic party: and that with the use of his name no reasonable doubt of a successful issue could be entertained. These considerations wrung from him a reluctant consent.

Let us here pause for one moment. Mr. Wright, from motives of delicacy to his friend, which few can appreciate, had refused to be a candidate in the convention for the office of president. He had declined the appointment of judge of the Supreme Court of the United States; he had been nominated for the office of vice-president, and declined being a candidate, preferring a seat in the senate to a station which is next in dignity to the first office in the nation: the nomination of Mr. Polk, the man individually who was to derive the greatest benefit from the proposed sacrifice, was made against the avowed wishes of Mr. Wright. Nothing could have been more uncongenial to his feelings than the office of governor of the state of New York. He knew it would plunge him into the vortex

taken the same generous course, as I doubt not Mr. Judson would have done had he been at home. Will you assure those gentlemen that I cannot too sincerely thank them, and that I will try to remember the obligation, though I may never be able to repay it,

"How the public may appreciate our conclusions, time must determine. It is enough for us that our motives are good, and that we acted as we thought right, under all circumstances."

"With great respect,

"I am truly yours,

"Hon. JOHN FINE?"

"SILAS WRIGHT.

of New York politics, and expose him to the jealousy of both, or the bitter persecution of one of the contending factions which prevailed here. A seat in the senate of the United States was of all public stations the most agreeable to him. There he was at home. There he was surrounded by friends who esteemed and admired—indeed, who more than admired, who loved him. That, he well knew, was a theatre for which his talents and habits best fitted him : it was truly the “field of his fame and his glory.” Yet at the call of the democratic party he did leave that field for a station which of all others he most disliked, and the responsibilities and duties of which he must have contemplated with apprehensions the most painful.

We doubt whether a more striking instance of self-sacrifice and devotion to friends can be found in ancient or modern political history. There is a moral beauty and sublimity in the conduct of Mr. Wright on this occasion, which, considered in connection with his course in relation to the action of the Baltimore Convention, rival any thing exhibited in the most virtuous days of Greece and Rome.\*

The following propositions seem to be established : and if so, both Mr. Bouck and Mr. Wright conducted, in relation to the gubernatorial election in 1844, with perfect sincerity, and in accordance with the strictest principles of honor.

1. That in April Mr. Bouck offered to withdraw his name if Mr. Wright would consent to be a candidate.
2. That Mr. Wright peremptorily refused.
3. That notwithstanding his refusal, the papers op-

\* See the note at the end of the volume.—Mr. Wright's letter to Judge Allen.

posed to the nomination of Gov. Bouck continued to press that of Mr. Wright.

4. That *after* the national convention Mr. Wright refused to be a candidate; and so late as August, wrote a letter, intended for publication, peremptorily refusing a nomination, which, at the pressing solicitation of his best and truest friends, and in deference to their opinion that the vital interest of the democratic party in the state and nation demanded that he should yield a compliance with their request, was so modified as to render his refusal conditional.

5. That after the publication of this letter, Governor Bouck desired that his name should be withdrawn, but was overruled by his friends, who insisted that he could not honorably, at *that period*, abandon the competition.

From the time of the publication of Mr. Wright's letter of the 1st of August, the tide of public opinion rapidly increased in favor of his nomination for governor; and in many of the county conventions held to choose delegates for the Syracuse Convention, the delegates elected were instructed to support him as the candidate for governor. That convention was held on the 4th of September, and the various counties in the state were fully represented in it.

Mr. Heman J. Redfield, of Genesee, a hunker, was, it is said, at the request of Mr. Wright, unanimously elected president, and Judge Denio, of Oneida, and Gen. Lawyer, of Schoharie, with six others, were chosen vice-presidents. Governor Bouck had instructed a judicious friend, who was a delegate, to withdraw his name from competition if he should think proper; and as it was soon ascertained that a large majority of the delegates were for nominating Mr. Wright, the personal friends

of that gentleman urged that the name of Gov. Bouck should be withdrawn, they having, as was supposed, reason to believe that Mr. Wright would be dissatisfied if his name should be used in opposition to "any republican." But the delegate to whom Gov. Bouck had given this discretionary authority, upon consulting with the other friends of Mr. B., was advised against withdrawing his name. The convention therefore proceeded to a ballot, which resulted in 95 votes for Wright and 30 for Bouck; whereupon Mr. Seymour, one of the most distinguished and zealous friends of the renomination of Gov. Bouck, moved that the nomination of Mr. Wright should be declared unanimous, and the resolution was adopted without a dissenting vote.

Mr. Wright had expressed a wish that in case of his own nomination, Mr. D. S. Dickinson should be nominated for re-election as lieutenant-governor; but he peremptorily refused to be a candidate, whereupon ADDISON GARDINER, late circuit judge of the eighth circuit, was unanimously nominated.

BENJAMIN F. BUTLER and DANIEL S. DICKINSON were nominated state presidential electors, and a list of electors from the several congressional districts was also put in nomination. Jonas Earl, Jr., Daniel P. Bissell, Nathaniel Jarvis, and Stephen Clark, were nominated canal commissioners. By the resolutions adopted by the convention, they denounced a high tariff, a national bank, the distribution of the proceeds of the sales of public lands, &c., and they approved the resolutions adopted by the Baltimore Convention. They do not allude to the annexation of Texas, other than by expressing their approbation of the principles put forth by the Baltimore Convention. They probably designedly avoided any

express allusion to that "*great American measure*," because, among other reasons, their candidate for governor had voted against the Texas treaty in the senate, and since his return from Washington, and since the Baltimore Convention, had declared in a speech delivered at Watertown to a mass meeting, that he was opposed to annexation. The convention closed their resolutions with one of thanks to Gov. Bouck and Lieutenant-governor Dickinson, "for their faithful administration of the various and responsible duties committed to their charge."

The convention dissolved in great harmony, and with high hopes of success. Its result undoubtedly gave the friends of Polk new confidence in the state and nation. In the intense interest excited by the presidential contest, the divisions in the democratic ranks were lost sight of, if they were not healed up. It is not necessary to allude to that contest in this connection, except to say that Gov. Wright was faithfully supported by the friends of Gov. Bouck. The contrary has never been intimated. In the county of Oneida, where Mr. Bouck's friends were in the ascendant, and where some of those who had advocated Mr. Wright's nomination, were opposing a part of the local ticket, he received a higher vote than any candidate on the ticket. This was the more remarkable, as a long section of the unfinished Black River Canal passed through the democratic section of the county, and the inhabitants were very much exasperated by the suspension of its construction.

The whig state convention was held on the 11th day of September, at Syracuse. There was a very full attendance of delegates. Francis Granger, the late postmaster-general, was chosen president. MILLARD FILMORE, of Buffalo, was nominated for governor, and

**SAMUEL J. WILKIN**, of Orange county, for lieutenant-governor. These nominations, and indeed the nominations of all the other candidates, were made apparently with perfect unanimity, and without a ballot. This circumstance leads to the inference that an informal meeting of the delegates must have been previously held, in which a free interchange of sentiments had taken place between them. Of Mr. Fillmore we have spoken in another place; but we cannot omit to avail ourselves of the present occasion to express our high respect for the talents, integrity, and personal merit of Mr. Wilkin. All who know him (and the author has known him from his early youth) we are sure will concur with us in the exalted opinion we entertain of his talents and merit.

The convention also nominated presidential electors. The state electors whom they designated were Willis Hall and John A. Collier. They terminated their labors by nominating Samuel Works, Spencer Kellogg, Elijah Rhoades, and Joseph H. Jackson, canal commissioners.

The nomination of Henry Clay for president was approved, and reiterated with acclamations; and an address to the electors and a series of resolutions were adopted and published. One of the resolutions expresses a decided approval of the tariff as it *then was*, and another condemns and denounces the annexation of Texas as unconstitutional, and as a project which, in the judgment of the convention, would be followed by consequences deeply injurious to the country, and dangerous to the Union.

Never was an electioneering campaign conducted with more spirit and energy than that of 1844. Both parties entered the field well organized, and animated with high hopes. The recollection of their success in 1840 in-

spired the whigs with courage; while a bitter feeling of resentment for what they deemed the treachery of Mr. Tyler, which had snatched from them the fruits of their victory at the last presidential election, and their ardent attachment to their chivalric and gallant leader, kindled a zeal which spread through all ranks of the party, which approached almost to fanaticism. Indeed, there are some traits in Mr. Clay's character eminently calculated to excite in his supporters a species of enthusiasm. The ardor of his feelings, his open, frank, and gallant bearing towards friends and foes, and his unsurpassed eloquence, have, as has already been remarked, procured him a greater number of devoted and ardent *personal* friends than any other man in the Union.

On the other hand, the democratic party felt that their all was at stake. The radicals had succeeded in procuring the nomination of their most favorite candidate for governor; and the hunkers having left the Syracuse convention, if not with kind feelings towards the radicals, at least in good temper, and with sentiments of esteem and regard for Mr. Wright, seemed anxious to prove to the radicals, by more than usual efforts, that they were not governed by factious motives, but would exert all their energies in support of the common cause. Mr. Van Buren, too, had in several communications which were published, declared his acquiescence in the nomination of Mr. Polk, and his determination to support him.

Immensely large mass meetings were held by the respective parties in all the large towns, and in almost every county in the state. These meetings were addressed by the most eminent orators in the state, and sometimes by distinguished statesmen from abroad.

Mr. Wright, before he became the gubernatorial candidate, Lieutenant-governor Dickinson, and many other eminent democrats, attended the mass meetings, and addressed the people. On the other hand, Mr. Webster, Mr. Collier, and other able and talented men, attended and addressed large masses of whigs. We have, on a former occasion, expressed our doubts whether these gatherings ought to be encouraged;\* but whether those doubts were well or ill founded, it is very certain that great tact and skill, and ability in reasoning, and many specimens of splendid and thrilling eloquence were exhibited on these occasions. Besides the politicians and statesmen holding the high position of those we have mentioned, several young men, not before known in political life, devoted much of their time in attendance on the mass meetings, and delivered addresses with great effect, accompanied with all the charms and power of eloquence. Among the most distinguished of these was JOHN W. FOWLER on the whig side, and Gansevoort Melville and James W. Nye on the democratic.

But in the progress of the campaign, both parties were compelled to encounter some serious and embarrassing difficulties.

It will be recollected that the ostensible, and perhaps the real cause of the preference given by the Baltimore Convention to Mr. Polk over Mr. Van Buren, was that the former was in favor of the annexation of Texas, and the latter was opposed to it, and that that convention adopted a resolution that the Texan nation ought immediately to be annexed to the United States. Besides

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\* 2 Political History, p. 527.

those distinguished men, Van Buren and Wright, who were publicly committed against that project, which the Baltimore Convention was pleased to denominate "*a great American measure.*" there were many other influential and worthy republicans who entirely concurred with those gentlemen in opinion, and who could not perceive why a simple resolution adopted by the individuals assembled at Baltimore should change the merits or the character of the question. The masses of the democratic party also, though they desired an extension of the national territory, did not view with favor the extension of slavery : and many of them believed that the annexation of Texas would not only "*diffuse.*" but *increase* slavery.

In this state of the question some highly respectable and influential democratic citizens of the city of New York, in connection with the then attorney-general, who were opposed to annexation, but who yet were extremely solicitous for the election of Mr. Polk in preference to Mr. Clay, knowing that the question whether Texas should be annexed must be decided by congress, concocted a scheme of procuring a united, but silent, quiet action of the anti-annexationists in the state, in the selection and election of members of congress who accorded with them in sentiments; while at the same time they desired that the most vigorous efforts should be made to promote the success of the democratic electoral ticket for president.\* In execution of this project they addressed a circular letter to several individuals, located in different parts of the state, who, they had reason to

\* They also proposed that they, together with the persons to whom they forwarded these views, should jointly address the people, declaring their reasons for supporting Mr. Polk, while they opposed annexation.

believe, entertained opinions similar to their own on the subject of annexation. As this letter has been the subject of much, and in some instances severe newspaper animadversions, a copy of it is here inserted.

## CONFIDENTIAL.

SIR—You will doubtless agree with us, that the late Baltimore Convention placed the democratic party at the North in a position of great difficulty. We are constantly reminded that it rejected Mr. Van Buren and nominated Mr. Polk, for reasons connected with the immediate annexation of Texas—reasons which had no relation to the principles of the party. Nor was that all. The convention went beyond the authority delegated to its members, and adopted a resolution on the subject of Texas, (a subject not before the country when they were elected, upon which, therefore, they were not instructed,) which seeks to interpolate into the party code a new doctrine, hitherto unknown among us, at war with some of our established principles, and abhorrent to the opinions and feelings of a great majority of northern freemen.

In this position, what was the party at the North to do? Was it to reject the nominations and abandon the contest, or should it support the nominations, rejecting the untenable doctrine interpolated at the convention, and taking care that their support should be accompanied with such an expression of their opinion as to prevent its being misinterpreted? The latter alternative has been preferred, and we think wisely; for we conceive that a proper expression of their opinion will save their votes from misconstruction, and that proper efforts will secure the nomination of such members of congress as will reject the unwarrantable scheme now pressed upon the country.

With these views, assuming that you feel on this subject as we do, we have been desired to address you, and to invite the co-operation of yourself and other friends throughout the state—

1st. In the publication of a joint letter, declaring our purpose to support the nominations, rejecting the resolutions respecting Texas.

2d. In promoting and supporting, at the next election, the nomination for congress of such persons as concur in these opinions.

If your views in this matter coincide with ours, please write to some one of us, and a draft of the proposed letter will be forwarded for examination.

Very respectfully,

GEORGE P. BARKER,

WILLIAM C. BRYANT,

J. W. EDMONDS,

DAVID DUDLEY FIELD,

THEODORE SEDGWICK,

THOMAS W. TUCKER,

ISAAC TOWNSEND.

P. S.—A copy of this circular has been sent to the following gentlemen:—Michael Hoffman, Albert H. Tracy, Hiram Gardiner, Addison Gardiner, Samuel Selden, Henry Selden, Ashley Sampson, J. Osborn, Hiram Gray, Jared N. Wilson, James M. Smith, Thos. G. Taleot, William Allen, Freeborn G. Jewett, Daniel Chandler, Hiram Denio, John Tracy, Jabez D. Hammond, John I. De Graff, N. S. Benton, Preston King, Ransom Gillet, Samuel Young, L. Stetson, James B. Spenceer, David L. Seymour, David Buel, Harmanus Bleecker, A. C. Flagg, Robert McLellan, R. D. Davis, James Powers, Archibald Niven, Nathaniel Jones, John W. Lawrence—and will be sent to any other person you may wish.

It will be noticed that this letter was marked “confidential,” and it has therefore been denominated the “secret circular.” We do not know what were the motives which induced the signers of this communication to mark it confidential, but we believed then, as we do now, that their object was to prevent any agitation of the public mind on the subject, and thereby weaken the democratic strength by the appearance of a division in the party, unless the persons to whom it was addressed should advise the adoption of the measure projected. It would seem that a majority of those persons did not think the execution of the proposed plan advisa-

ble, for the joint letter was never issued ; but that which was intended to be signed and circulated, was afterwards published by Mr. Bryant in the Evening Post. It merely contained the sentiments expressed in the circular, more fully developed. It is, perhaps, proper for the author to state, that he informed the gentlemen whose names were attached to the circular that he cordially agreed with them in their opposition to the annexation of Texas, and would not withhold his name from a written statement expressing that opposition ; but he advised against the publication of the joint letter, because it seemed to him inconsistent to condemn a measure, and yet support the man who was nominated as a candidate for the first office in the nation solely for the avowed reason that he was in favor of that very measure.

We will only add, that we have reason to believe that all the signers of the circular, and all the persons to whom it was addressed, (*we know* most of them did,) supported with zeal and energy the election of Mr. Polk, with the exception of a single individual. That individual was Jabez D. Hammond, who declined voting at all for presidential electors.

But although the signers of the circular, and those to whom it was addressed, generally supported Mr. Polk in good faith, there were many among the masses who felt great difficulty in voting for the nominee of a convention who had declared the annexation of Texas to be a great American measure. The whigs, therefore, not without reason, cherished the hope that many of these conscientious men would vote for Mr. Clay ; but this Mr. Clay, by his own indiscreet conduct, to use the mildest term, in a great degree, if not wholly, prevented. Before Mr. Van Buren's letter to Mr. Hammit was

published, Mr. Clay had published a letter, in which he stated—

"I consider the annexation of Texas, at this time, without the assent of Mexico, as a measure compromising the national character, involving us certainly in war with Mexico, probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion."

Had Mr. Clay rested on this frank and explicit declaration, we verily believe he would have received the vote of the state of New York for president; but the whole slaveholding interest at the South, as well whig as democratic, was anxiously solicitous that Texas should be made a part of the Union, and no doubt many of his most ardent political and personal friends in that section of the Union were continually pressing him to vary his position in relation to the Texas question. Mr. Clay was desirous to secure *all* the whig votes. In an evil hour, (on the 1st day of July,) in a communication to one of his friendly correspondents in Alabama, a state in which he never did and never will receive a vote, he stated,—“As to the idea of courting the abolitionists, it is perfectly absurd. No man in the United States has been half as much abused by them as I have been.” \* \* \* “*Personally I could have no objection to the annexation of Texas, but,*” &c. He afterwards wrote a third letter, in which he attempted to show that he had been guilty of no inconsistency in the sentiments expressed in these two letters; but this last epistle did not better his position. In consequence of these letters, Mr. Clay, though he had many personal friends in this state, received but very few, if any, dem-

ocratic votes here. Those democrats who thought it wrong to vote for Mr. Polk, on account of the Texas question, either declined voting for presidential electors, or voted the abolition ticket.

The Native Americans in the city of New York and in the county of Kings, so far as related to the election of members of assembly, congress, and the senate, sustained the organization they had formed in the preceding spring at the charter elections ; but by mutual consent among them it was understood that in relation to the presidential and gubernatorial election, each member of the native association should vote according to his own predilections as respected the two great contending parties in the state. The result was, that their candidates for the assembly, senate, and a majority of the members of congress from the city of New York, were elected. By means of this success, WILLIAM W. CAMPBELL, the author of the "Annals of Tryon County," a man of great worth and merit, was elected to congress, and GEORGE FOLSOM, a gentleman distinguished for his literary attainments, and much respected for his private virtues, was chosen a member of the senate of this state.

The Anti-renters pursued a very politic and wise course. In counties where they were uncertain whether they had a plurality of votes over both the whig and democratic parties, they selected such of the candidates nominated by either of those parties as they had reason to believe would be most favorable to their views, and gave the persons thus selected every anti-rent vote. By this course of policy they, holding as they did the balance of power, controlled the election in Albany, Columbia, Delaware, Greene, Rensselaer, Schoharie, and Sullivan counties, and brought into the assembly from

those counties such men as favored and supported their views, so far as they could be supported consistent with the constitution of this state and of the United States. Two of the most efficient and able members of the assembly of 1845 were brought into that assembly by means of the votes of the anti-renters. We allude to Ira Harris, of Albany county, and Wm. H. Van Schoonhoven, of Rensselaer county.

The ABOLITION, or LIBERTY PARTY, adhered resolutely to their "one idea," and refused all compromise. It was well known that they held the power, beyond all question, (which was proved by the result of the election,) of giving Mr. Clay the votes of this state, and thus preventing the annexation of Texas, and the extension of slavery, which every one foresaw must be the consequence of annexation. The whigs, therefore, continued to believe, until after the votes were actually canvassed, that inasmuch as no man believed that this party could elect Mr. Birney, a majority of them would eventually cast their votes for Mr. Clay. In this expectation they were disappointed. Not an individual of the abolitionists voted for Mr. Clay. They argued that if the whigs were sincere in their opposition to annexation, they ought to vote for Mr. Birney, who had never equivocated in relation to that question. "Why," said they, "have we not as good right to require you to vote for Mr. Birney as you have to demand our votes for Mr. Clay?" It is difficult in theory to resist the force of this reasoning. But the actual consequence was, that although the abolitionists had a greater numerical force, and probably possessed more wealth and more talent than either the Anti-renters or Native Americans, while those last-mentioned parties, by their management, were

ably represented, both in the national and state legislatures, the Liberty Party did not elect a solitary individual to represent their views in either of those bodies.

This great contest eventuated in the triumph of the democratic party in the state and nation. Mr. Polk obtained, by means of the thirty-six votes given by New York, sixty-six electoral votes more than Mr. Clay. Mr. Wright's majority over Mr. Fillmore was 10,033; and the majority for the democratic candidate for lieutenant-governor and canal commissioners was between nine and ten thousand; while the majority on the electoral ticket over that for Mr. Clay, was less than five thousand. In the city of New York Mr. Wright obtained a majority of 3,386 over Mr. Fillmore, the favorite of the whigs of that city, while Mr. Polk's majority was only 1,731. This disparity must have been produced by a difference of opinion in respect to that "great American measure," the annexation of Texas.

The Native Americans succeeded in electing Mr. Folsom to the senate in the first district, while the democrats elected their candidates in all the other districts in the state, except the eighth. The names of the senators elected were—George Folsom, from the first district, in the place of Mr. Scott; Robert Dennison was re-elected from the second district; John P. Beekman was chosen from the third district, in the place of Mr. Strong; Augustus C. Hand, from the fourth, in the place of Mr. Lawrence; Enoch B. Talcott, from the fifth, in the place of Mr. Foster; George D. Beers, from the sixth, in the place of Mr. Platt; Henry J. Sedgwick, from the seventh, in the place of Mr. Rhoades; and Carlos Emmons, from the eighth, in the place of Mr. Works.

To the assembly seventy democrats and forty-four

whigs were elected, the rest being Native Americans and anti-renters; but several members, who were denominated whigs or democrats, according to the parties to which they respectively were reputed to belong, were elected by the balance-power of the anti-renters, and on all questions affecting the interest of that party voted with the anti-renters.

Our sagacious radical correspondent from Albany, from whom we have before several times quoted, says: "When the result of the election was known, the radicals were in an excess of joy. Mr. Polk was thought to be a sincere friend of the sub-treasury, opposed to a United States bank and a national debt, and in favor of a *revenue* tariff. Mr. Wright was all that the democratic heart could wish, love, admire, and almost worship. But here his errors of policy commenced. His first efforts were to conciliate the Bouck men." If this effort at conciliation was, as our correspondent thinks, a political error in Gov. Wright, it was one which every man, situated as he was, would have been likely to commit. Gov. Wright had not personally mingled much with the Albany politicians for several years. He knew that the hunkers had been defeated at the Syracuse convention, but he also knew that in the tremendous conflict from which the democratic party had just emerged, the hunkers had fought side by side with the radicals, and with equal sincerity and zeal, and he found among them many of his old personal and political friends. He believed that the heart-burnings and enmity which had prevailed between the two sections at the time of the adjournment of the legislature, had been quieted and forgotten in the life-and-death struggle between the two great parties which had recently termi-

nated. Was it then wonderful that he should make an effort to restore peace between those who ought to be friends? But he was not aware of the deep-seated bitterness that still rankled in the breasts of many belonging to each section. Gov. Wright, when he came to Albany, shortly after the election in November, became a temporary guest of Mr. Erastus Corning, who, we have seen, was a leading and influential hunker; and so jealous were the politicians of that period, that many radicals viewed that circumstance, trifling as it was, with suspicion.

We are inclined to think that our correspondent, considering the real state of things—of which, by the way, Mr. Wright could not have been apprized—is in the right, and that the effort at conciliation was in vain, and therefore impolitic. It may have been that such was the fixed and settled hostility between the hunkers and radicals that the time for a temporizing policy had passed, and that Gov. Wright should either have said to the radicals, that, if they were his friends, they must cease their hostility to the hunkers—that he should regard any attempt, either by oral or printed declarations, to impair their political standing, as an act of war against himself; or that he should have taken open and decided ground in favor of the radicals, as his only legitimate political friends, and denounced the hunkers. But our correspondent points out one political error of Mr. Wright in which we entirely concur with him.

Mr. Wright was a senator of the United States, and had a right to retain his seat until the first day of January, 1845. He should have retained it, and gone to Washington at the meeting of congress on the first Monday in December. His great popularity in the na-

tion, the important and decisive services which had been rendered by the use of his name and influence in the late presidential election, and the numerous ardent and powerful friends he would have met at Washington, would have enabled him to exercise a controlling influence in the formation of Mr. Polk's cabinet. Instead of this, he made up his mind not to resume his seat in the senate, nor visit Washington, before he would be required to assume the administration of the government of this state. "He ought," says our correspondent, "to have gone to Washington, and remained there till Christmas. No man's presence there could have been more useful to the democracy. Instead of this, he came to Albany, where he immediately called on Gov. Bouck. The latter, in the course of conversation, mentioned that he had received the resignation of the Hon. N. P. Tallmadge, who had recently been appointed by the president governor of Wisconsin. Mr. Wright remarked that there would be nothing of general interest to require a senator in Washington until after the meeting of the legislature. Gov. Bouck observed that he thought the public interest required him to appoint one. Mr. Wright then said, 'If you think so, governor, I must resign, for I do not intend to go to Washington.' Gov. Wright thereupon went to the comptroller's office, and wrote his resignation, which was immediately delivered to Gov. Bouck. This," continues our correspondent, "was a most fatal error."

Previous to the resignation of Gov. Wright, Lieutenant-governor Dickinson and the late state senator, Mr. Foster, were applicants for Mr. Tallmadge's place. The competition for the appointment was quite ardent, and so much so that they mutually assailed each other

This controversy was extremely painful to Mr. Bouck. Both the competitors had been his steady, uniform, and efficient friends, and he finally concluded that he would not appoint either of them in preference to the other. Even after the resignation of Mr. Wright was received, Gov. Bouck tendered the appointment to Gov. Marcy, but he declined accepting it. Had he accepted, it is probable the governor would have appointed Heiman J. Redfield for his colleague. The non-acceptance of Mr. Marcy resulted in the appointment of the two rival applicants, which happily extinguished the growing hostility between them.

## CHAPTER XVII.

Condition of the Democratic Party at the commencement of the year 1845  
—Contest about the nomination of Speaker—Mr. Seymour and Col.  
Crain—Mr. Seymour is nominated and elected—Governor's Message—  
Caucus to nominate State Officers—Its result—Caucus to nominate  
United States Senators—Messrs. Dickinson and Dix nominated and  
elected—Mr. Polk's offer to appoint Mr. Wright Secretary of the Treas-  
ury—Gov. Marcy appointed Secretary of War.

NEVER had the democratic party achieved a greater triumph than in the election of 1844. Both of the great parties of the country had put forth their entire strength in the contest; the interest excited was intense and universal, and the result decisive. The whig party was entirely prostrated, and apparently disorganized. The democratic party of the state never held so strong a position. The severity of the contest with the whigs had restored its ancient discipline, which had been impaired by the divisions in its ranks during Mr. Bouck's administration, and the utmost enthusiasm animated its masses. Mr. Wright's position was not less flattering; the general belief that his name had largely contributed to carry the state, and consequently the nation, gave him great credit at home and abroad, while the body of the party felt for him that admiration which is always excited in favor of prominent candidates at earnestly contested elections. As he had been withdrawn for many years from the irritating domestic feuds of the party, it is fair to presume that all sections were disposed to support his administration.

"I know it is charged that the friends of Gov. Bouck," says an intelligent and fair-minded hunker correspondent, "were determined to embarrass his administration from the beginning. Whatever may have been the feelings of a few individuals, I do not think it was the case to any extent. I can say that so far as my observation extended, and from what I know of the views of those with whom I was acting, it was believed he would act impartially between the different interests. I still believe, if Mr. Wright had acted in pursuance of his own views, he would have harmonized all differences. He could not but feel that he had been fairly supported by all interests, and during the progress of the election, he had been brought into contact and co-operation with all classes of politicians. It was natural he should feel unwilling to commence a war upon those who had so recently put forth every effort to sustain him. When he first went to Albany, before the commencement of the session, he took occasion to manifest his disposition to harmonize all differences."

It is confidently asserted by the hunkers that the intimate friends and confidential advisers of Mr. Wright entertained different feelings and views. They allege that Mr. Van Buren felt that his defeat in the Baltimore Convention was in part owing to an influence emanating from this state. Mr. Flagg also had been deeply engaged in the quarrel with Gov. Bouck; and that section of the democratic party friendly to the late governor insist that after the first feelings of triumph on account of the result of the election had subsided, Mr. Flagg, and other gentlemen with whom he had acted, began to mark out a policy for the future. That policy, they say, looked to the elevation of Mr. Wright to the presidency; that

these leading radicals, in order to carry into effect their views, and preserve their own ascendancy, arrived at the conclusion, that, instead of conciliating the friends of Gov. Bouck, it was necessary to put them down: and they thought that as they then had the strength to effect this object, that then was the time to execute the scheme.

On the other hand, the radicals believed, or claimed to believe, that the object of the hunkers was by little and little to encroach on the financial system established by the act of 1842; that the leading members of that section of the party came to the capitol with smothered but bitter feelings of resentment for the defeat they had suffered in the convention of Syracuse, and with a determination to wage an insidious war against those who had caused that defeat. It is by no means improbable that both sections were unreasonably jealous of each other, and that each party charged the other with acting from motives to which they were strangers. At any rate, we are quite sure that this last remark is correct, as respects several distinguished individuals belonging to the hunker and radical parties; and the fact is universally admitted, that whatever of jealousy or hostility existed in the breasts of the leaders of the two sections in Albany, those jealousies and enmities did not prevail to any considerable extent among the masses of the democratic party in the country. They were glowing with the enthusiasm excited by the triumph in the recent contest, and the exhibition of domestic broils annoyed and mortified them. This feeling was entertained by many of the democratic members of the legislature when they came from the country. Most of them were strangers to public life, and they entered the capitol expecting to

act in support of Gov. Wright, and in concert with the state officers.

Mr. Horatio Seymour was the only member of the assembly of 1845, that belonged to the democratic party, who was a member the preceding year, and but two others had been members of any legislative body previous to that time. Mr. Seymour of Oneida, Col. Crain of Herkimer, Mr. Bailey of Putnam, Mr. T. R. Lee of Westchester, Mr. Russell of St. Lawrence, Mr. Comstock of Oneida, and Mr. Niven of Orange, were the leading democratic members.

The whigs, although in the minority, were represented by very able and experienced men--some of them were highly and justly distinguished for their talents. The present governor, JOHN YOUNG, of Livingston, and Alvah Worden, from Ontario, were their leaders. They were sustained by Mr. Bloss of Monroe, Lee of Erie, Van Schoonhoven of Troy, Harris of Albany, S. A. Brown of Chautauque, and A. W. Young of Wyoming, the author of a very valuable and highly useful work "On the Science of Government," and more recently of a treatise entitled "First Lessons in Civil Government." The city of New York was represented by men chosen by the Native American party, and were all highly respectable for their talents and standing in community. Messrs. Wheeler, Morrison, and De Puy, from that city, took an active part in the proceedings of the house.

Although the democratic party in the senate had lost the powerful support of Mr. Foster, it had gained that of Mr. Hand, from the fourth district, a man of talents, and who possessed a mind highly cultivated. He has been recently elected a justice of the Supreme Court by the fourth judicial district. Mr. Talcott, the successor

of Mr. Foster, was also a valuable acquisition to the senate. He was a sound lawyer and an industrious and able legislator.

No sooner did the members begin to assemble at Albany, than indications were manifested that the hopes of Gov. Wright, and other well-wishers of the democratic cause who had not mingled in the controversies which had raged between the bunkers and radicals during the preceding session, were delusive. The war was revived with increased fury on the canvass for nomination of speaker of the assembly.

The energy of character, address, and abilities of Mr. Seymour have been heretofore stated. As it was generally admitted that he possessed the qualities we have ascribed to him, and as he was the only democratic member of the last house of assembly who had been re-elected, it was natural that he should have been spoken of as a very suitable man for the office of speaker. Accordingly, some time before the commencement of the session, he had been applied to by his friends to stand as a candidate. We are assured, on the best authority, that when the project was considered by him he was not inclined to encourage it, but preferred the position of a floor member. He however finally consented that his name should be used. When he gave that consent he did not anticipate that his support of the renomination of Gov. Bouck, or his canal report, would, at the commencement of a new administration, be urged against him; but on his arrival at Albany, a day or two before the meeting of the legislature, he was informed that the state officers were taking very active measures to prevent his nomination by a democratic caucus.

The candidate whom it was proposed to present in

opposition to Mr. Seymour, was Col. William C. Crain, of Herkimer, a very worthy man, who had some years before been a member of the assembly, and more recently sheriff of the county of Herkimer. Col. Crain was an educated agriculturist, highly esteemed in his own county, and indeed wherever he was known. He was the friend and pupil, politically speaking, of Mr. Hoffman, and thoroughly radical in his principles. It is not to be presumed that *he* felt any desire to compete for the office of speaker, and it is probable that he rather reluctantly consented to be a candidate at the solicitation of friends.

When Mr. Seymour perceived that a contest was determined on by his opponents, he felt that his personal standing and influence would in some degree depend on the result. Very active efforts were therefore made, as well by him and his friends as by the friends of Col. Crain and influential citizens from abroad, who either accidentally, or because they were desirous to exert an influence in the nomination of speaker, were in attendance at Albany, and took part, according to their respective predilections, in the contest.

The radicals alleged that an unusual number of post-masters and other office-holders under the general government made their appearance in Albany and advocated the election of Mr. Seymour; while, on the other hand, the hunkers affirmed that the city was crowded with persons holding office under the canal board, who were extremely zealous and active in their efforts to promote the election of Col. Crain. Probably there is some truth in the allegations on both sides.

Among other means to which a resort was had to defeat Seymour's nomination and promote that of Crain, it

was represented that the election of Mr. Seymour would be injurious to Mr. Wright, who did not desire his election. The governor was at that time preparing his message, and saw few of the members; but Mr. Seymour hearing of these reports, determined forthwith to ascertain, from the proper source, whether they were authorized. He therefore called upon Gov. Wright, accompanied by Mr. Van Valkenburgh, a member from Steuben, and Mr. Thayer, from Oswego, and informed the governor that he (Mr. S.) had been told that it had been stated by some of the state officers, naming two of them, that his election to the speakership would embarrass the governor's administration; that if he felt that such would be the case, Mr. S. would instantly withdraw his name, although it would be embarrassing to do so after having been publicly announced as a candidate. He added, that nevertheless there was no reason why any personal considerations affecting him should embarrass the administration, the success of which was of much greater consequence than any interest he could have in this matter; and he desired the governor to state frankly what his wishes were on the subject. Mr. Wright denied having expressed any opinion on the question of speaker, and said he had taken no part in the matter, and had no wishes in respect to the result.

If, as Mr. Seymour evidently from his communication to Gov. Wright suspected, the state officers were at the bottom of the opposition to him, it seems to us they misjudged. If they deemed it important that some person other than Seymour should be made speaker, it is more than probable that if they had early requested him to decline being a candidate, he would have done so; or if they wished to test the feelings of the members elect on the

question between hunkers and radicals, they might have effected that object by a resort to some means in which success was less doubtful, and which were not calculated to excite so much warmth and bitterness. It had the appearance of an attempt to revive old controversies without any just provocation, and also seemed to be an unjustifiable interference by the state officers in the election of officers of the house. This charge against the state officers (whether well or ill founded) was, at a subsequent caucus, used against some of them with fatal effect.

We have here given the views of this transaction which were, and probably yet are, entertained by the hunkers. It is by no means improbable that they (no doubt acting under the impulse of an honest delusion) laid much to the state officers of which they were not guilty, and imputed to them acts which in reality were done by others.

We have now before us a letter from an active radical politician, in which, after stating that Gov. Wright returned to Canton after he had been to Albany and resigned his seat in the senate, as has been related, he adds, that nothing was known of his sentiments, if he had formed any opinion on the subject of organizing the house; and "I am," says the writer, "inclined to believe he did not intend to mingle with it. Until three days before the meeting of the legislature, Mr. Flagg was dumb on the subject. Gov. Wright had arrived; and the Wednesday evening before the first Tuesday of January I was conversing with Senator Porter, when he informed me the radicals would vote for Col. Crain. I asked him if it was the wish of the governor that Col. C. should be speaker. He said he did not know. I then

said to Mr. Porter, ‘Col. Crain will be in town to-morrow; I shall see him and advise him not to permit his name to be used unless Gov. Wright and Mr. Flagg will say publicly they wish him to be the speaker.’ I gave Mr. Porter my reasons. He said he would see the governor the next day. He did so, and assured me that the governor desired that the colonel should be speaker.”

We remark in passing, that probably Mr. Wright said no more than he did to Mr. Seymour, which amounted to this—that he should be pleased with Mr. Crain, provided his election was agreeable to the majority of the democratic members, which Mr. Porter naturally took for an expression of a desire on the part of the governor that the particular person thus mentioned should be selected. From this statement of our correspondent, which we have not a particle of doubt is every word of it true, it is extremely probable the opposition to Mr. Seymour was not, as the hunkers supposed, and perhaps had reason to believe, got up in the state hall, but the state officers, on this as on other questions, merely acted with their radical friends in and out of the legislature.

At a caucus of the democratic members of the assembly, held on the evening preceding the opening of the legislative session, of which Mr. Van Valkenburgh was chairman, on balloting for speaker, Mr. Seymour had 35 votes, and Mr. Crain 30. At the same caucus, Mr. J. R. Rose was nominated clerk. Both gentlemen were the next day elected.

The governor’s message was, of course, an able state paper. He commences by stating the revenue for the last fiscal year as follows:

“The total amount of receipts on account of the general fund, including the whole of the state tax, of one

mill on the dollar, and deducting the sum received for temporary loans, was \$1,073,249 01	
"The entire revenues of the canal fund, including all the receipts for tolls, water rents, and interest, for all the canals, were.....	2,350,615 94
"The revenues of the school fund proper, were.....	133,826 51
"The revenues of the literature fund were	18,490 34
"The revenues of the United States deposite fund, after deducting \$106, 412 55, transferred from revenue to capital, were.....	237,304 25
Making a total of.....	\$3,813,486 05

He then proceeds to present a luminous view of the financial condition of the state, and of its debts and liabilities. He earnestly recommends an inflexible adherence to the policy marked out by the law of 1842, and shows, by a recurrence to the history of the construction of the Erie and Champlain canals, that the debt then contracted, and the provisions for the payment of its interest and principal, were in perfect accordance with the same policy, or rather, that the act of '42 was a revival of that policy.

On the subject of amending the constitution, the governor strongly urges proposing an amendment to the people which shall render the pledges contained in the act of '42 a part of the organic law of the state; and on this and other necessary alterations of the constitution, he recommends the exercise of liberal concessions in regard to details and harmony in action, with a view to avoid the necessity of a resort to a convention.

"Our present constitution," says the governor, "has remained the fundamental law for nearly a quarter of a century, several amendments having been, in that time, adopted, in conformity with the provision of that instrument for its own amendment. Hitherto that provision has satisfied the public mind, and led to the amendments demanded by the popular feeling and judgment. I consider it extremely desirable that this should continue to be found practically true, and that such a degree of harmony shall, at all times, prevail between the popular will and the legislative action, in reference to further proposed amendments, as shall supersede demands for constitutional change in any other form."

The governor urges the payment of the instalments of the principal of the public debt when they become due, and solemnly protests against "deferred stock."

On the subject of the common-school fund, the message contains the following beautiful paragraph, which cannot be too highly admired :

"No public fund of the state is so unpretending, yet so all-pervading—so little seen, yet so universally felt—so mild in its exactions, yet so bountiful in its benefits—so little feared or courted, and yet so powerful, as this fund for the support of common schools. The other funds act upon the secular interests of society, its business, its pleasures, its pride, its passions, its vices, its misfortunes. This acts upon its mind and its morals. Education is to free institutions what bread is to human life, the staff of their existence. The office of this fund is to open and warm the soil, and sow the seed, from which this element of freedom must grow and ripen into maturity; and the health or sickliness of the growth ill measure the extent and security of our liberties. The thankful-

ness we owe to those who have gone before us, for the institution of this fund, for its constitutional protection, and for its safe and prudent administration hitherto, we can best repay by imitating their example, and improving upon their work as the increased means placed in our hands shall give us the ability."

The governor, after alluding to the anti-rent outrages, says :

"An exciting state election was made the occasion for an earnest attempt to intermix these questions with the general politics of the state, and make them tests of election to the legislature. It was but reasonable to expect, after the appeals made in this form had been patiently listened to, maturely considered, and deliberately decided by the freemen of the counties before whom the questions were raised, that further efforts, in any other manner, to accomplish the objects sought, would be at least delayed until the relief expected could have been asked at the hands of the legislature. Even this delay has not been suffered, but resistance to the law and its officers has been renewed, in forms and under circumstances of the deepest aggravation. Organized bands of men, assuming the disguise of savages, with arms in their hands, have already bid defiance to the law, its process, and its officers, and in repeated instances, and in more than one county, put the life of the sheriff or his deputies in imminent peril, forcibly taken from them their official papers, and burned them in open day, compelling the officer to desist from further attempts to discharge his duties.

"These misguided violators of the law, and disturbers of the public peace, have not confined their outrages within even this limit. Already the lives of two peace-

able and unoffending citizens have been taken, and in both instances, when neither the sheriff nor his officers were present, and when no attempt was made to serve legal process."

The governor goes on to say that "minor outrages upon the rights and persons of private individuals, and the peace of neighborhoods, had begun to awaken attention to the danger of these lawless and passionate proceedings ; but these wanton sacrifices of human life, in a manner so unprovoked and causeless, have given to the whole public mind a shock, which nothing but the prompt and effectual restoration of the reign of law and order can calm.

" While the question between the proprietors and the tenants was whether the leasehold tenures should be perpetuated, or the rents should be commuted upon fair and reasonable terms, and fee simple titles should be given upon the payment of a capital in money, which, invested at a stipulated rate, would reproduce the rents to the landlord, the controversy was one in which the feelings and sympathies of our people were deeply enlisted, and strongly inclining in favor of the tenants.

" Then the question was, not whether rights of property are to be trampled upon, the obligations of contracts violently resisted, the laws of the state set at defiance, the peace of society disturbed, and human life sacrificed, but in what way contracts, onerous in their exactions and tenures, in their nature and character uncongenial with the habits and opinions of our people, could be peaceably, and justly, and constitutionally modified to meet the changed circumstances of the times. And then I might have invited your careful attention to the considerations growing out of these issues.

"But I feel precluded from discussions of this character, by the extravagant and indefensible position given to the controversy by the unlawful and violent proceedings of those, who assume to take the charge of the rights and interests of the tenants involved in this litigation."

He recommends the enactment of a law making it highly penal, and severely punishable, for individuals to disguise themselves with a view to resist the laws or commit breaches of the peace.

The governor concludes by a very brief allusion to our national affairs, and the result of the late presidential election. In respect to those great questions in relation to the tariff, a national bank, and the distribution of the avails of the sales of the public lands, which had so long attracted the attention of the people, and agitated their minds, he considered the dispute finally put at rest by the voice of the electors, pronounced at the polls, and he says:

"It is reasonable to hope that, after so solemn a decision of the people, pronounced under such circumstances, the great interests of the country, which have long been kept in a condition of uncertainty and agitation, will be allowed repose; that the basis of the action of the federal government, on the subject of the currency, may now be considered settled; that all further agitation on the question of assigning one entire branch of the permanent federal revenues to the states may be at an end; and that the principle upon which the revenues of that government, to be derived from customs, are to be assessed, is intelligibly defined. All these are subjects which deeply affect the business interests of every portion of the country, but more especially, and most deeply, the commercial and trading interests; and as the

most commercial state of the Union, we have felt, with great severity, the uncertainty, the change, and the prospect of change, which, for many years past, have almost constantly surrounded all these questions."

The state officers were to be appointed at this session, and two senators of the United States were to be chosen. The selection of candidates for these important offices excited much feeling and interest.

Unfortunately for some of the incumbents of the state offices, the contest in relation to the speakership was calculated to organize, and did organize two interests in the assembly composed of members from the country, many of whom when they left home felt little or no predilection for either of the sections of the democratic party, into which the members during the session of 1844 were divided. But the feelings excited by that contest induced those who supported Mr. Seymour in the caucus to join the hunker party, and those who took sides in behalf of Col. Crain to act with the radicals; and, with occasional exceptions, it will be found that during the session they respectively, on all important questions, acted together, as they had done on the question of the selection of a speaker. All the state officers were radicals, and the hunkers took the position that it was fit and proper that a part of them should be of their party. Their determination to sustain this position was strengthened by an impression, that the existing state officers had interfered and exercised a powerful influence in the selection of a speaker.

It will be recollectcd that the state officers consisted of the secretary of state, comptroller, treasurer, attorney-general, and surveyor-general. The office of surveyor-general was vacated by the election of Mr. Jones as a

canal commissioner, and Mr. Barker declined a reappointment to the office of attorney-general. The hunkers claimed one-half of those officers. No opposition was made to Mr. Flagg, but Mr. Benton, of Herkimer county, was supported by the hunkers in opposition to Col. Young. For the office of attorney-general, Mr. Peckham was made the opposing candidate to Mr. John Van Buren, and Mr. Benjamin Enos, of Madison county, was sustained by the hunkers for treasurer, against Mr. Farrington, then the incumbent of that office.

On the evening of the first of February a caucus was held, which was attended by all the democratic members of both houses, except Gen. Chamberlain of the senate, who was confined to his room by severe illness. Judge Bockee was chosen chairman. No opposition was made to the reappointment of Mr. Flagg, but it is remarkable how nearly equal the parties were divided in relation to the other officers. On the first ballot for secretary of state there was no choice, but on the second ballot Mr. Benton had two majority. Mr. John Van Buren was nominated attorney-general over Mr. Peckham by a majority of one only; Mr. Enos obtained seven majority over Mr. Farrington; and Mr. Hugh Halsey, of Suffolk county, obtained the same majority for surveyor-general over Mr. Sydney Lawrence, late senator. Mr. Henry Storms was unanimously nominated for reappointment to the office of commissary-general. Martin Van Buren and William C. Bouck were nominated to supply two vacancies in the board of regents, occasioned by the recent death of William Campbell and the resignation of Joseph Russell.

Col. Young, from his distinguished talents, his long public services, and recently for the zeal and ability with

which he had superintended the common-school department; and Mr. Farrington, from his amiable deportment and unexceptionable character, had many friends; and the defeat of those gentlemen consequently produced much excitement and irritation. That excitement and irritation were increased by the contest respecting the selection of candidates for the U. States senate. It was believed that the exhibition of strength which should be exhibited on this occasion by the two sections of the democratic party, both of course claiming to be friendly to the general administration, would have a great and perhaps a controlling influence with Mr. Polk in the selection of a member of his cabinet from this state; that is to say, he would select such member from that section which should appear to be the strongest.

The hunkers supported Messrs. Dickinson and Foster, and the radicals Messrs. Dix and Hoffman. Every effort was put forth to secure success on both sides. The canvass was very close, and produced an intense excitement. The division of strength was so equally balanced, that the result for some time was quite uncertain. There were a few members who had gone with the hunkers, in the selection of state officers, on the principle that these offices ought to be equally divided between the two sections. These men, of whom it is presumed Mr. Bockee of the senate was one, held the balance of power, and they intimated a disposition to support one hunker and one radical for United States senators. Gov. Wright seemed to favor an equal division of officers, and finally expressed himself decidedly against Mr. Foster. This being the state of things, the hunkers became satisfied that the attempt to sustain Mr. Foster would be vain and useless.

There were two very clever radical young men, Mr. Harden and Mr. Carpenter, from the county of Otsego, and so close was the canvass, that it was believed, if they could be induced to change their votes, two hunker candidates would be nominated. Partly with this view, the hunkers, under the advisement of Mr. S. S. Bowne, an energetic and talented politician, and late member of congress, who happened then to be in Albany, at the last moment brought forward Judge Nelson, and as he was a resident of the same county from which Messrs. Carpenter and Harden came, it was presumed he would not be opposed by them. But this expectation proved to be ill founded. These gentlemen had taken their ground, and could not be moved.

The caucus was held on the 24th of February; ninety-three members were present, being all the democratic members of the legislature, except Mr. Dayton, of Suffolk county. Mr. Dennison was appointed chairman of the caucus.

Mr. Porter, of the senate, offered a resolution, which was read, proposing that the caucus now proceed to ballot for a candidate for United States senator, to supply the vacancy occasioned by the resignation of the Hon. Silas Wright.

Mr. Wright offered a substitute, to the effect that the meeting now proceed to ballot for candidates for United States senators—first, in place of the Hon. Silas Wright; next, in the place of the Hon. N. P. Tallmadge; and third, for the full term commencing on the 4th of March next.

A long discussion ensued, in which it appeared that the radical portion of the convention were desirous to nominate a candidate to supply the vacancy occasioned

by the resignation of Mr. Wright, whose unexpired term continued for four years from the 4th of March then next; and another in lieu of Mr. Tallmadge, whose term would expire within about six weeks; leaving the selection of a senator who should be the *successor* of Mr. Tallmadge, after the 4th of March, and whose term would of course continue for six years from that time, to be nominated at a future meeting of the members. This was resisted by the hunkers. Messrs. Porter, Sherman, T. R. Lee, Lester, and Johnson, spoke in favor of Mr. Porter's resolution, and Messrs. Wright, Lott, Beers, Seymour, and Clark, in support of Mr. Wright's substitute. Mr. Porter's motion finally prevailed.

Mr. Boekee then proposed the name of Judge Nelson for senator in lieu of Mr. Wright, while on the other side the name of Gen. Dix was brought forward. Upon a ballot Gen. Dix received 51 votes, and was nominated, only 41 votes having been cast for Judge Nelson. The caucus then proceeded to ballot for a candidate to supply the *unexpired* term of Mr. Tallmadge, when Mr. Dickinson was nominated by a large majority. Immediately after the result of this vote was declared, a motion was made to adjourn. This effort produced considerable excitement, but the motion failed by a vote of 55 to 37; Messrs. Carpenter and Harden voting against the adjournment. Several radicals declined voting at all on this question.

Mr. Beers then moved that the caucus proceed to ballot for a candidate for senator in congress for six years from the fourth of March next. Some confusion followed, and Mr. Baily, of Putnam, made a zealous and ingenious speech in favor of postponing further action.

The caucus again refused to adjourn by the same vote as before, whereupon a ballot was had with the following result:—for D. S. Dickinson 54, Michael Hoffman 13, F. G. Jewett 3, Samuel Nelson 1, blanks 4.

On the motion to make the nomination of Mr. Dickinson unanimous, Mr. T. R. Lee made a speech in opposition to it. To this Mr. Seymour made a forcible and eloquent reply. Towards the close of his speech he appealed to those opposed to Mr. D.'s nomination with great effect. He said he "appealed to them by the recollections of the recent common victory, by the determination which then actuated our whole party as one man, under the feeling that we were contending for common principles and in a common cause."

In the end the nomination was declared unanimous by the votes of fifty-four members, one senator, Mr. Johnson, voting in the negative, and several of the radicals refusing to vote at all. The session of the caucus was protracted till twelve o'clock. A hunker, then a member of the legislature, has informed the author that "after the caucus an effort was made by the whigs to induce the barnburners to unite with them in the legislature, and nominate Col. Young to the senate instead of Mr. Dickinson. Meetings were held for that purpose, and some progress was made towards effecting such an arrangement. The senators from the sixth district (Messrs. Faulkner, Chamberlain, Burnham, and Beers) hearing of this movement called upon Gov. Wright, and formally invited his attention to it. The governor then interfered, and the effort was dropped." Although we have full confidence in the veracity of the correspondent from whom the above quotation is made, it is due to Colonel Young to state that the author happened to be in Albany

a day or two after the caucus, that he heard a rumor of the negotiations alluded to by our correspondent, and that in a casual conversation with Col. Young, he declared that he would not, under any circumstances, be a candidate in opposition to the caucus nomination ; and we think he mentioned that the suggestion had been made to him, and he had peremptorily refused. We submit one other remark. We think our correspondent ascribes too much effect to the interference of Gov. Wright. On this subject we have the following facts from a source perfectly reliable. On Monday evening, after the state officers had been chosen as nominated in caucus, about twenty radical members met to determine how they should act in relation to the senators, who were the next day to be chosen. Many of the radicals contended that the caucus was not binding ; but Dennison, Lester, and Porter went to the caucus, and labored there until they dissuaded them from making any opposition. This was done at the request of Gov. Wright.

About this time communications were made by Mr. Polk to Mr. Van Buren and Mr. Wright severally, stating that he (Mr. Polk) had come to the conclusion that either the state or the treasury department should be committed to the charge of a citizen of the state of New York. We do not know that it was expressly mentioned in these communications, but we have reason to believe that their tenor was such that both Mr. Van Buren and Mr. Wright inferred, that the selection of a citizen to preside over one of these departments would be made in pursuance of the recommendation of these gentlemen and their friends. Mr. Wright, it is presumed, believed that the arrangements indicated by the president elect had been definitively fixed upon and set-

tled at Washington, and therefore he was the more anxious to prevent any open collision among the democratic members of the legislature : and he also might have been apprehensive that a contest in the legislature about the choice of a senator would afford a demonstration that the radicals, who constituted that section of the democratic party which the public chose to consider as peculiarly his friends, were in the minority; or if in the majority, that that majority was very small, and that hence his standing in his own state would be regarded by his friends abroad as unstable and impaired. Our radical correspondent from Albany further states, that "it was believed if the cabinet should be formed in the manner indicated by Mr. Polk, if Mr. Dickinson should be elected he would be obliged to fall into the support of the administration or go with the opposition, which would render him powerless."

These considerations, in connection with the anxious desire of Mr. Wright to harmonize the two sections of the democratic party, surely furnished sufficient reason for his interference to prevent any opposition, by the democratic members, to the election of Mr. Dickinson after his nomination in caucus.

Mr. Van Buren and Mr. Wright, soon after the receipt of Mr. Polk's communication, recommended that in case the secretary of state should be taken from New York, Mr. Butler should be selected ; and in case the treasury department should be assigned to a citizen of this state, Mr. Flagg should be appointed to that office. The president, nevertheless, tendered the appointment of secretary of the treasury to Mr. Wright himself ; but he was so situated that even if he had desired the office, he could not honorably accept it.

Before the gubernatorial election it had been charged by the whigs, as an objection to Mr. Wright, that should he be elected his election would be of no use to his friends; for if Mr. Polk should be chosen president, Mr. Wright would be selected to preside over one of the national executive departments, and would immediately abandon the administration of the state government to the lieutenant-governor. In consequence of these allegations, Mr. Wright repeatedly pledged himself that if elected governor he would not accept of any office in the general government. These declarations, although they may not have been known to Mr. Polk, must have been known at Washington before the offer we have mentioned was made to Mr. Wright. But be that as it may, Mr. Wright promptly declined the appointment.

Mr. Polk then tendered to Mr. Butler the office of *secretary of war*. To the letter containing this proposition Mr. Butler replied, that if it had accorded with the arrangements of the president to appoint him secretary of state, or of the treasury, he should, though with some reluctance, have accepted either, but that he could not undertake the charge of the war department; that the duties to be performed by the secretary of war would lead him so far from the line of his profession, (a profession he was not prepared to abandon,) that the attempt to resume, successfully, its practice, would be utterly hopeless; but that the duties incident to either of the other departments to be performed were nearly allied to those of the profession to which his attention and life had been principally devoted, and therefore the charge of one of them would be less objectionable.

Previous to or about the time of the close of this correspondence between Messrs. Polk, Van Buren, Wright,

and Butler, the friends of Gov. Marcy prepared a letter addressed to Mr. Polk, signed, as is alleged, by a majority of the democratic members of the legislature,\* requesting, that in case a New Yorker should be called to the cabinet, Mr. Marcy should be selected for that place. This recommendation was successful, and Gov. Marcy was made secretary of war.

We have, on a former occasion, expressed a high opinion of Mr. Marcy. That opinion is not changed. The able and satisfactory manner with which he had for a long time administered the government of the state of New York, the distinguished ability with which he had executed all other trusts which had been confided to him, and his acknowledged talents, rendered his appointment as one of the national secretaries creditable to the president. And yet, when we reflect on the immense obligations which Mr. Polk and the democratic party in the nation were under to Mr. Wright, and we may add Mr. Butler and other friends of Mr. Van Buren, and indeed to Mr. Van Buren himself,—when it is recollected that the New York delegation, consisting of the friends of Mr. Van Buren, made Mr. Polk the presidential candidate,—when the pledges made at the Baltimore Convention are called to mind,—when we reflect that Mr. Wright, by the sacrifice of his quiet and his most fondly cherished predilections, was the admitted cause of the triumph of Mr. Polk at the late election,—and when it is considered that the appointment of Mr. Marcy was not only against the wishes of Mr. Wright and his friends, but that they earnestly urged in vain the appointment of Mr. Flagg or Mr. Butler, as the representative of New

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\* All the signers of this letter were probably hunkers.

York in the national cabinet, is it surprising that the appointment of even Governor Marcy should have been regarded by the radical party with disfavor, and with some feeling of resentment?

The hunkers had good reason to congratulate themselves on their success. When the session commenced, their opponents were about equal to them in numbers, and had the benefit of the great influence of Governor Wright in the state and nation, and all the state officers; and yet they had procured the election of the speaker, one-half of the state officers, and a senator of the United States for nearly seven years to come; they had procured the appointment of a judge of the Supreme Court of the United States, and had stationed, in the national cabinet, an able, efficient, and confidential friend, of great talents and superior tact and address. This extraordinary success was undoubtedly owing (for we do not speak of the *merits*, so far as regards principle, of either party) in part, and perhaps in a great degree, to the skill, address, and management of two men,—we mean Horatio Seymour and Edwin Croswell; but was it not also in part caused by a plan concocted at Washington in regard to the successor of Mr. Polk, adverse to the views of Mr. Van Buren and Mr. Wright? Did not the far-seeing politicians of the South reason at that time, as they did at the Baltimore Convention? The future political history of this country will furnish the answers to these questions.\*

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\* This was written in March, 1848.

## CHAPTER XVIII.

Opinions of the Hunker and Radical Members of the Legislature of 1845 on the subject of the necessity of a Constitutional Convention—Different views of the Hunkers, Radicals, and Whigs on that subject—Character of John Young—Amendments to the Constitution proposed by the Legislature of 1844, and approved by the Electors at the November election of that year—Action of the Whig Members of the Legislature on those Amendments—Circumstances which led to the passage of a Convention Bill—Final passage of the Bill in the Assembly—Debate on that occasion—Proceedings in the Senate on the Convention Bill—Its final passage in that House—Passage of the Canal Bill—Is vetoed by the Governor—Resignation of Judge Kent, and appointment of Judge Edmonds as Circuit Judge of the First Circuit.

THE session of 1845 was an exciting one, not only on account of the numerous and important appointments which were made by the legislature, but also on account of the discussion and decision upon the project of a convention to revise the constitution, and of the passage through both houses of the canal bill, and the governor's veto of it.

It may be safely asserted, that when the subject of a convention was first agitated, the hunkers were opposed to any convention, and with them, on this question, many of the leading radicals concurred. They probably reasoned in this way: "There are, it is true, a few alterations which ought to be made in the constitutional law in relation to the judiciary, and in some other respects, but these amendments can be made in a constitutional way, if indeed they are called for by that strong current of public opinion, without the evidence of the

existence of which the great charter of our liberties and civil institutions ought not to be torched. As a measure of party policy, it is perfectly absurd. We have now the whole judiciary; and the appointing power, both executive and legislative, is now in our hands, and likely to remain so. *We, therefore, can, by no possibility, gain any thing, but may lose much.*"

But there was undoubtedly a portion of the radicals, among whom we may safely reckon Mr. Hoffman, Col. Young, and Col. Crain, who believed in the absolute necessity of making the substance of the act of 1842 a part of the constitution; and they believed this measure to be so highly important as to be paramount to all others. Hence the message of the governor was disliked by the radicals; for although Mr. Wright in his message admitted that a necessity for a convention might exist, the fair inference from his remarks on that subject is, that in his judgment such necessity did not then exist.\*

Radical whigs, who constituted a large majority of the whig party, believed that some amendments ought to be made to the constitution, and they preferred making those amendments through the agency of a convention, than by the mode provided in the existing constitution. They had nothing to lose by the agitation which might be produced by a convention, and might gain much. Viewed as a question of party policy, their condition was precisely the reverse of the democrats. This the leaders of the radical whigs saw most clearly,

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\* After the message was written, Gov. Wright invited Gov. Marcy, Mr. Croswell, and Chief-Justice Bronson, to meet with the state officers at the reading of it. The convention question was not, on that occasion, discussed or mentioned.

and therefore seized the occasion to avail themselves of all the advantages their position afforded.

The Native Americans also desired some alterations in the constitution, particularly in relation to the eligibility to office of adopted citizens, and they also reasoned like the whigs, that they could lose nothing, and might by possibility gain something by a convention, and therefore favored the project.

Of all the members who supported the bill for calling a convention, vested with unrestricted powers, the anti-renters were probably the most sincere. They could not anticipate any effectual relief from the evils of which they complained, without some radical alteration of the fundamental law, and they therefore approached the convention question with great and no doubt honest zeal.

It would appear from the vote on the speaker question that the natives, anti-renters, and whigs amounted in the aggregate to sixty in number. The democrats therefore, when united, held but a small majority over all the other parties in the house, if on any occasion they should choose to combine.

JONX YOUNG, the present governor, is perhaps one of the most sagacious politicians who ever took part in the political contests of this state. With talents of a high order, industry, patient perseverance, a profound knowledge of men, he was one of the ablest party leaders and most skilful managers in a popular body that ever entered the assembly chamber; quick to perceive when and how an advantage might be gained over an adverse party, he was ready and prompt to seize it; but no man could wait more quietly for the arrival of the proper time for action than he. He not only wished to effect the passage of a law recommending a convention, but

he wished that such law should be passed in such a manner that it could be claimed as a whig measure. To do this it became necessary to avail himself of the division among the democratic members, and he, by the aid of Mr. Worden, an able and eloquent member from Ontario, pursued his object with most consummate skill and address.

We will conclude our remarks upon the character of Mr. Young by quoting from a letter written by a democratic member of the legislature to the author :

"I do not know that I can give you a well-defined sketch of the character and position of Gov. Young. There are peculiarities in both which are difficult to describe. He is courteous and gentlemanly in his manners, and intelligent and interesting in conversation. He appears to the best advantage in a deliberative body, and when he comes in immediate contact with those upon whom he wishes to act. He is an admirable debater, and carefully avoids weakening the interest with which he is heard, by speaking too diffusely or too frequently. Possessed of a good voice, a fine imagination, and an earnest and persuasive style of speaking, he always attracts and holds the attention of his audience. He is cool, cautious, and steady in the pursuit of his objects. In the winter of 1845, he displayed great skill and tact in procuring the passage of the bill for the convention, in such a form, and under such circumstances, that it had the aspect of a whig measure, while at the same time he prevented any union of the democratic members upon its form and provisions. His efforts during this session placed him at the head of the whig party, at the same time that they paved the way for his promotion by reviving the spirit of the whigs, which had been crushed

by the recent election, and by dividing and weakening the democratic party. In his intercourse with men he shows great tact and cunning, and he strives to adapt himself to the sentiments and feelings of the day, rather than to impress his own convictions upon others."

The preceding legislature had proposed several amendments to the constitution, which had at the last election been approved by the people, and which now required two-thirds of the votes of the members of the present legislature to constitute such amendments a part of the constitution.

The first proposed amendment was to incorporate substantially into the constitution the act of 1842.

The second restricted the power of the legislature to create debts, or loan the credit of the state.

The third, that no property qualification should be required to render a citizen eligible to hold any office or public trust.

The fourth, to prevent the removal of any judicial officer without cause.

The fifth, to add three associate chancellors to the Court of Chancery.

The sixth, to add two justices to the Supreme Court.

These resolutions were all passed in the senate by the affirmative votes of more than two-thirds of the members of that body.

In order to render the call of a convention indispensable, it was necessary that these amendments, or some of those which were deemed material by the radical democrats, should be rejected. At this point Mr. Young commenced his labors; and when the amendments came up for consideration, all of them, except the third and fourth, were rejected, there being from 61 to 63 votes in their favor, and from 50 to 56 against them. If we

are not mistaken in our examination of the journal, every whig member voted in the negative. The amendments were therefore lost for the want of a two-third vote. So far then the coast was clear. Still formidable difficulties presented themselves. The speaker had formed a committee on amendments to the constitution, a majority of whom were opposed to a convention. That committee consisted of Messrs. Comstock, Russell, Niven, Bailey, L. H. Brown, Worden, and Morrison; Messrs. Bailey, Worden, and L. H. Brown being the only persons on the committee who were in favor of a convention. No bill for a convention therefore could be expected from a committee thus constituted. If a bill should be brought in by a whig member on his own motion, it would, in all probability, induce the combined and united opposition of the democratic party. Messrs. Young and Worden were therefore fain to wait until one of the radical members should think proper to introduce such a bill.

An accidental circumstance hastened the event which these gentlemen so much desired.

We have heretofore mentioned the appointment of Chief-justice Nelson to the office of associate judge of the Supreme Court of the United States. This produced a vacancy on the bench of the Supreme Court of this state. Mr. Crain applied to Gov. Wright to give the place to Mr. Hoffman; but the governor nominated F. G. Jewitt, of Onondaga, at present a judge of the Court of Appeals. After ascertaining this result, Mr. Crain went to visit his friends in Herkimer county. He found his constituents dejected and displeased. Nothing had been done for Mr. Hoffman. Nothing in relation to a convention. Mr. Marey had been made secretary

of war, and Mr. N. S. Benton, secretary of state of the state of New York. All these measures were directly against the views and wishes of the radicals of Herkimer, who composed a large majority of his constituents. He therefore, by the advice of his friends in Herkimer, resolved, immediately on his return to the assembly, to introduce a bill for calling a convention. When he arrived in Albany, he applied to DUDLEY BURWELL, Esq., an able lawyer of that city, to draw the proposed bill; and the bill which Mr. Crain afterwards introduced into the assembly, and which ultimately passed into a law, was in fact drawn by Mr. Burwell.

This bill was on the 13th of March referred to the committee on constitutional amendments, which has already been mentioned. They met from time to time, and adjourned without taking any definite action on it. The hunker democrats, after the constitutional amendments were lost, became convinced that a convention was inevitable; and they felt it important, and therefore were extremely anxious, that such a bill should be presented as would unite the whole democratic party in its support. Before, however, any particular plan of a convention bill was agreed upon by the two sections of the democratic party, Mr. Young, on a certain day when so many of the democrats were absent as to leave their opponents nearly equal to them in numbers, moved that the select committee, to whom Mr. Crain's bill had been referred, should report it to the house on a certain day mentioned in the resolution, and then that it be made a special order at 12 o'clock each day until it was disposed of. Messrs. Crain and Buel of Herkimer, and Mr. Chace of Tioga, voted with the whigs for this motion, and it was carried. Gov. Wright became alarmed,

and sent for Col. Crain, and held a long conversation with him on the subject. Mr. C. told the governor that he was acting in pursuance of the advice of Mr. Hoffman and Judge Loomis, and others of his constituents, and that he should make all reasonable efforts to ensure the passage of the bill in the assembly. Subsequent to this Messrs. Hoffman and Loomis, at the request of Mr. Wright, visited Albany. Various consultations were held among the leading and influential democratic politicians, as well as one or two legislative caucuses, the object of which was to fix on a bill which would unite the whole democratic vote. No doubt a considerable number of the members were at heart honestly opposed to any convention. Prudent and discreet men foresaw that the passage of a bill for that purpose would render elections necessary which would involve the fate of the party. It was well known to the whigs, as well as to Col. Crain and Mr. Bailey, that the hunkers would vote against any convention bill unless it contained a provision that the question whether a convention should be called, should be submitted to the people, and voted for by a majority of them, *taking as a test the number of votes given at the last election*: and further, that the amendments which should be proposed by the convention *should be submitted separately to the people*. These amendments to Mr. Crain's bill were approved of by Gov. Wright and some of his radical friends in the assembly. Col. Crain and Mr. Bailey (we name those gentlemen, because we suppose they represented those radicals who were determined at all events to have a convention) knew that if those amendments were adopted the whole whig vote would be cast against the bill, and they should be left in the power of the hunkers, and must either be controlled

by them or abandon the bill. They had no suspicion that Mr. Seymour, and other leading hunkers, would act with bad faith, but they suspected that a considerable portion of the hunker section of the party would, from an honest conviction that a convention was unnecessary, vote against the bill, and that the votes of that portion, in connection with the votes of all the whigs, would prevent the passage of any such bill. They feared too, that if the clause requiring a majority of votes of the people, taking the test proposed by the hunkers, should be incorporated in the bill, insidious efforts would be successfully made to prevent so many of the electors from voting as would defeat the object of the bill. These apprehensions, and it may be jealousies, were encouraged and fostered by the whigs. A correspondent, who was an active hunker member of the assembly, states "that two private caucuses were held for the purpose of consulting on these amendments, and that two-thirds of the democratic members, including Messrs. Russell and Hazeltine from St. Lawrence, were in favor of the amendments, and I think the others would have been induced to yield but for an accident. After the caucus, when the assembly met, it was discovered, that in consequence of the absence of some of the democratic members, the whigs were in the majority. Messrs. Young and Worden availed themselves of their temporary power, and passed a resolution directing the committee having the bill in charge to report the same to the house as it was introduced by Mr. Crain, and *without amendment*. This prevented the committee from modifying it, and cut off any negotiations for that purpose. When the bill was before the house, Mr. Crain and others resisted all changes, and forced the majority of the democrats to vote against it,

they having declared that they regarded the majority vote and separate amendments as principles which they could not waive. The following vote will show the state of parties.

"On the motion of Mr. Hazeltine, of St. Lawrence, to amend the bill so that a majority of the voters of the state (in the manner above stated) should be required to vote for the bill before a convention should be called, the vote stood—

For the amendment, (all democrats) ....	42
Against it, " .....	18
Do. Whigs and Native Americans,.....	54
	— 72

more than two-thirds of the democratic members voting for the amendment."

Nearly the same result was produced on the motion of Mr. Russell, of St. Lawrence, to amend the bill so that the amendments to the constitution should be submitted separately to the people. Forty-two democrats and four whigs voted for Mr. Russell's motion, and 30 democrats and 53 whigs and Native Americans against it. On the final passage of the bill there were 83 votes in the affirmative, and 33 (all hunker democrats) in the negative.

During the progress of this bill in the assembly it elicited one of the best, if not the best, specimens of parliamentary discussion ever exhibited in the capital of the state. The debate, though conducted with the most commendable courtesy, called into action all the intellectual power of the distinguished members of the house. Messrs. John Young, Worden, Seymour, Comstock, J. Leslie Russell, Bailey, and T. R. Lee, besides many

others, severally delivered able and eloquent speeches. The discussion not only presented "a keen encounter of wits," but a war of highly cultivated minds, which must have afforded a rich intellectual repast to all men of taste who heard it. Those debates, if preserved, and they ought to be, may be read at any future time with profit and high mental enjoyment and pleasure. If our limits would permit, and our sheets were not crowded with matter essential to preserve the chain of our narrative, we would insert copies of these speeches; but restricted as we are, we will mention that the speeches of Mr. Young, as reported in the Evening Journal, and those of Mr. Seymour, as given in the Argus, strike us as displaying remarkable tact, ingenuity, and eloquence.

Mr. Seymour, with great skill and ability, labored to show that if those who required amendments to the constitution, and he admitted that some highly important ones were necessary, would unite, those amendments might be submitted to the people by the legislature without resorting to a convention.

"The proposed amendments before the committee," said Mr. S., "only require the support of those who complain of the difficulty of amending the constitution in the constitutional way, to carry them to the people for their sanction. In this case, there are no obstacles except those interposed by the gentlemen themselves."

If gentlemen wished to restrict the power of the legislature to create state indebtedness, Mr. Seymour was willing to sustain them in proposing an amendment to the people which would afford an effectual guard against the exercise of that power. "But," said Mr. S., "I apprehend there is another reason why certain gentlemen desire a convention, which it is proper to allude to,

though I shall do so in a manner as little offensive as possible. There is reason for suspicion when a great party has been overthrown, when the country has repudiated its principles, and it seeks to change its position, and produce a new order of things that may be more favorable to its designs and objects. The gentleman from Ontario remarked, that though the gentleman from New York had put forth sentiments which he deemed obnoxious to censure, yet that the whig party was not responsible for them. "Let us see," said the speaker, "if this is so. The gentleman from Livingston said that the condition of our judiciary amounted to a denial of justice—that our courts are blocked up. We tender him amendments, and he rejects them. We tell that gentleman and his friends that if he desires to reform our judiciary, we go with *you*. We are ready to carry out any reasonable and feasible scheme. Do they accept these propositions? No, sir. They say, throw open the tenures of property, the elective franchise, religious liberty, every thing settled by our constitution."

On the 9th of April Mr. Young replied to the arguments of Mr. Seymour and others. He intimated that the senate, as a court of errors, ought to be abolished. The amendments did not provide against that grievance; and if an amendment on that subject, such as he desired, and, as he believed, the public demanded, were proposed, who believed that two-thirds of that court would ever consent to its abolition? He also stated that the proposed amendments did not restrict executive patronage. Was it to be expected that two-thirds of the legislature could be induced, with all the patronage of the existing executive, whoever he might be, against it, to recommend such a measure? He highly compli-

mented Mr. Crain for bringing in his bill, and for the firm and decided stand he had taken.

Mr. Young concluded his speech by the following eloquent denunciation of acting from party motives on constitutional questions :

"One more consideration, and I will yield the floor. The gentleman said he was in favor of retaining this instrument in its present form, because it had sustained for sixteen years, with the exception of two administrations, the party to which he belongs. I am not in favor of any constitution because it tends to sustain *any* particular party organization, and which looks to party for protection, and I cannot believe that he is in its favor for such reason. Will he say again, that because the 'democratic' party, as *he* calls it, though I do not acknowledge it to be such, has sustained itself for sixteen years, that is *the* reason why he would not alter the constitution? Has it come to this?—that a statesman, learned, intelligent, distinguished, familiar with questions of constitutional law, in open day, not only acts from such motives, but tears off the mask and tells the world that we are to make a constitution in reference to party advantages? He surely cannot mean this. Let him ask the hard-working and intelligent mechanic, what is the purpose of a constitution; will he reply that such is its object? Ask the farmer—the bone and sinew of the country—as in the soft twilight of summer he sees the lambs skipping on the green lawn, if it is for party purposes that he wants a constitution? Or in the autumn, when his granaries are full, and he offers thanksgivings, and what will be his answer? I will send the gentleman to his farmer colleague from Oneida, (Mr. M. Brooks,) to my friend here from Madison, (Mr. Walrath,) to the farmer

from Jefferson, (Mr. Danforth,) and to every farmer in this house, to ask them if they are in favor of a constitution because it protects their party? And yet, in the bosom of that gentleman there breathes the most generous emotions. Those hands have been stretched out for the relief of human suffering. It is not the man, it is the party madness of the day, a madness that, forgetting the future, looks not beyond the day. But to those men who look to their posterity, and as they see the stream grow wider and deeper as it flows on to the great ocean of the future, feel that their blood there flows—I send him there to ask, if they would frame a constitution to favor party? They will respond, we would frame constitutions for ourselves and for our children."

Mr. Seymour, in his reply to Mr. Young, reiterated and enlarged upon the positions he had taken in his first speech. He insisted that a convention ought not to be called without the fiat of a majority of the electors, and that the contemplated amendments ought to be specified in the bill. Alluding to Mr. Young, Mr. Seymour said:

"I listened the other day with mingled feelings of pleasure and regret to the very eloquent and able remarks of the gentleman from Livingston. I listened with admiration to the ability displayed by him—to his beautifully formed periods—to the tone of patriotism which his conceded skill enabled him to impart to his remarks; yet I listened with pain to some of the designs—I will not say avowed, but manifested—in the course of his remarks. I listened with mingled feelings to the gilded but vicious sentiments which he put forth on that occasion; for putrescence sometimes shines. I watched with the same feeling of admiration his skilful

attempts to galvanize the late whig party into existence, to suck up all the ill-humors of the body politic, in the hope of organizing a party that might cope with the great demoeratic party of this state. I believe, with all his ability and ingenuity, he will find the attempt to be futile. It was indeed an adroit effort, a skilful effort, a bold effort, to combine all the elements of faction in one common bond of opposition to democratic principles and the democratic party. He held up anti-rentism in such terms of gentle reprobation, that even the representatives of that party here, 'blushed and owned the soft impeachment!'

Mr. S. concluded by saying,—“If a bill can be passed which shall be in accordance with the principles of our government—which shall recognise the doctrine that a majority of the people shall govern—that sovereignty resides with the people—which shall, in a fair, manly, and open manner, indicate the objects of those who contend for it, I shall be willing to give it my support. I have reflected on the subject with anxiety—feeling the importance of this measure to the well-being of our state. God knows I have endeavored to act on it solely with a view to the best interest and highest happiness of our common constituents. And to those who differ with me, I accord an equal degree of consideration—an equally honest desire to promote the interests of those who have intrusted us with power. And I will only express the hope, that in approaching this subject, all pride of opinion will be laid aside—all personal and political objects overlooked—and that we shall be actuated only by a wish to consult the best interests of the great and glorious state whose representatives we are.”

Messrs. Bailey and Comstock took part in the discus-

sion, and some pretty sharp passages occurred between them. Mr. T. R. Lee also delivered an able speech against the convention bill.

Mr. Young's last speech on this bill was his best. In his exordium, he mentioned that Mr. Russell and Mr. T. R. Lee had arraigned the minority on that floor for agitating the question of a convention, saying, by implication at least, that if the question was to be presented or agitated at all, that agitation should not come from the whigs, but from those who had the numerical force in the house to carry out their measures. "That we have done what the gentlemen charge," said Mr. Young, "I do not deny :

" ' That we have ta'en away the old man's daughter  
Is most true ; true we have married her ;'

and that we had the right to do so I submit to the judgment of the committee, upon the history of the circumstances attendant upon our action.

" When was it that we first sought to agitate this question ? We had just passed through a political campaign, in which we had been overthrown. That was not our fault, but our misfortune. We felt the weight which had fallen upon us by the great victory which you had obtained over us. But we then thought—how justly, others must judge—that overthrown as we were, we might still speak, think, and utter our thoughts too, if there was nothing in them which the laws of the country and of propriety forbade. How did we find you ? There was another circumstance known to us—for this was not the first time we knew you. We knew of the contest at Syracuse, where you were divided. When we came here, you met us with the proud claim

that you were again allied. We saw you—I now address that branch of the party supposed to be in favor of a convention—marching up to Syracuse in your strength, and overthrowing those allies that now come here and tell us not to agitate this question. We had seen more. The branch of the party to which I believe you, sir. (addressing the chairman, Mr. Bevans,) are attached, was overthrown, by that to which the gentleman from Westchester *was* attached, if rumor and his early acts at this session can be relied on. This was your condition at Syracuse, but we could not tell what results would flow from your action. We saw you grapple with a foe full your equal, and though you overthrew your antagonists for the day, and Vly Summit was clothed in mourning, yet if you had paid much attention to the attendant circumstances, you would have found that ‘pomp was the funeral, the black the wo.’ The funeral knell, if it was sounded, scarcely reached the first farmhouse. And while you were on that night engaged in the revel—nay, for aught I know, when you had brought out the golden vessels, an ordinary perception might have seen not only the handwriting upon the wall, but the whole person, proclaiming what subsequent events proved to be too true, that on that night should Belshazzar the king be slain. If you had then looked into the camp of your adversaries, you would have heard the noise of mirth drowning the funeral dirge. They looked forward to an event, which *you* see clearly now, when he, whom you called the Cato of America, should be one of them. They appreciated the man better than you, and they felt that while they had lost nothing, you had indeed lost your general. This was your condition.”

The main part of Mr. Young’s speech was occupied

in replying to Mr. Seymour, and the concluding part is so imimitably fine, that we cannot deny ourselves the pleasure of copying it.

"There was another remark," said he, "in that speech [alluding to a speech delivered by Mr. Seymour] to which I listened with mingled pain and pleasure. He asserted that the party with whom he acts, would be unanimous on this question of a convention. He was then in the heyday of power, and I thought—and I beg pardon of my barnburning friends for entertaining the suspicion—that he would be able to make the party unanimous. I thought I saw givings away in some quarters. I regarded your forces as scattered in the early part of the session, and I feared there would be nothing left. I knew that the Oneida chief whom you had defeated, was not annihilated, but was still hanging around your outposts, and once your vote in this house appeared to indicate that the real friends of a convention were few indeed. But the gentleman evinced too clearly in his speech on Saturday, that after all his discipline and machinery, he had been compelled to surrender, and we heard him asking for quarter. It was painful to witness a spirit so proud thus crushed. Then I thought I could look into another place, and as he paced his own chamber with nervous tread, I could catch some broken fragments of his expressions in retirement—for thoughts will sometimes come unbidden to the lips. Long he struggled against his fate before he was brought to submit to the state of things surrounding him. The great captain was defeated, and I thought I could hear many of the expressions of his wounded spirit. I thought I heard him say, 'I have done much, have worked long, and have labored hard for my party'

—and I could hear no more. Then I thought I heard another fragment from his lips, and it was in the words of the great poet—

‘If I had served my God with half the zeal  
I’ve served my king’—

and there that sentence ended. I thought I heard other things, and as he repeated the word ‘Saratoga,’ a pang shot across his face and I heard him say—

‘Stab’dst me in my prime of youth  
At Tewksbury’—

He was not speaking of the battle of Saratoga, but of a certain convention in the fifth senate district, and then his feelings of nervous excitement seemed still stronger. This was not all I heard. In his imagination, he saw not merely a handwriting upon the wall, but the full length of a living, breathing man. His gray hair hung in curls upon his shoulders. I heard nothing then, for he said nothing. The countenance of that old man was familiar to the gentleman, and it was the last face he wished to see at such an hour. I listened, for I thought in that great struggle I might hear him pronounce the Roman name of Cato. But prostrate and fallen as he seemed to regard himself, even then he had no fear of Cato. The scene passed by, and let us return from that chamber to this hall. The advice which he gave for my benefit, looked only to political life for reward. I thanked him for his good wishes, but my road lies another way. I have a single word to say to him. There is much of him to cultivate for good. He has shown himself the possessor of high and brilliant talents, and if he would forget party, and turn aside his passion for place and power, and the narrow path of party discipline

and tactics—tear away the drapery he has thrown around himself, and stand out his own living self, breathing out the purposes of his generous heart, I hope I shall live to see that gentleman occupying the highest station that his ambition may desire."

When the convention bill reached the senate, Mr. Lott proposed to modify it by requiring that the amendments should be submitted separately to the people. Mr. Hand, who was understood to belong to the radical party, and Mr. Beers, who sometimes acted with one party and sometimes with the other, voted with the hunker senators for Mr. Lott's motion; but Mr. Bockee, who had heretofore generally acted with the hunkers, took strong ground in favor of the bill as it came from the assembly. The vote on Mr. Lott's motion stood 15 to 17, all the whigs present voting with the radicals.

Very able and elaborate discussions took place in the senate. Messrs. Mitchell, Hand, Lott, Beers, Clark, and Wright delivered speeches in favor of the amendments to the bill which were offered in the house, and Messrs. Bockee, Sherman, Johnson, Porter, Putnam, Folsom, and Barlow, on the other side of the question. We regret that we cannot give even a synopsis of those speeches. On the last evening of the debate, much warmth was excited, and some confusion and irritation were produced. On the question upon the final passage of the bill, Mr. Hand voted for it. There were 18 ayes and 14 noes. In the senate, as in the assembly, all the whigs resisted any amendments, and voted for the bill as introduced by Col. Crain.

Various motions were made to put off the time for taking the final vote on the passage of the bill, by Mr. Wright and others, and the debates in committee con-

tinued until 12 o'clock at night on Saturday. The two houses were to adjourn on Wednesday morning, and serious apprehensions were entertained, not without cause, by the friends of the bill, that its opponents intended by these delays to prevent the passage of the law. When the committee rose and reported the bill, Judge Bockee moved that the final vote should be taken on Monday at a certain hour, which was carried, and thus the passage of the bill secured.

A radical friend from Albany, who witnessed the closing discussions in the senate, respecting the convention bill, wrote to the author that "the friends of Gov. Bouck declared the democratic party dissolved, and used every epithet and appeal that could operate on the weak and the timid."

Although Gov. Wright evidently accorded with the hunkers in their views in relation to the convention bill, a bill soon after passed both houses which brought him in direct collision with that class of politicians. The bill to which we allude was entitled, "An act in relation to the Canals." This bill appropriated \$197,000 for several objects which will be hereafter mentioned; and among others, \$55,000, which was in part to be expended "*for completing the construction of such portions of the unfinished works on the Genesee Valley Canal, as the canal commissioners should be of opinion would be most economical for the interest of the state;*" and that \$20,000 should be expended "*for the same purpose,*" on the Black River Canal. The bill was reported at a late day in the session, and seems not to have excited much attention in the assembly. On its final passage 28 democrats (including the members from St. Lawrence) and 40 whigs voted for it, and 25 democrats and one whig

against it. It is said that it was not expected the bill would pass the senate; but we cannot learn that it underwent much discussion there. The vote on its final passage in that house was 14 ayes and 9 noes. Six of the radical senators, Messrs. Deyo, Varney, Sedgwick, Tallcott, Barlow, and Sherman, did not vote. Five of those senators, it was supposed, were opposed to the bill, and were then about the capitol, but left their seats, either by accident or design, a few moments before the question was taken. Had these five senators voted against the bill, it would not probably have passed.

On the same day the bill was sent to the governor, and on that evening he returned it to the assembly with a veto message, which could not have been written that day, as it was very long. It occupied a little more than ten printed columns in the Albany newspapers. Indeed, it is admitted that the message was prepared before the bill passed the senate. It was therefore alleged by the hunkers, that the radical senators who abandoned their seats knew that the bill was to be vetoed, and that they declined voting for the purpose of enabling the governor to do so. The object, as the hunkers allege, was to identify Mr. Wright with the radicals, and to create a new issue other than that on the convention bill between the two sections. On the other hand, the radicals alleged that the bill was got up by Mr. Seymour for two objects, one of which was, by this small appropriation to establish a precedent by which the act of 1842 was to be evaded and gradually undermined; and the other, to compel the governor to veto it, and thereby render him unpopular on the line of these canals. They further allege, that the absence of the five senators was owing to causes other than a design or

wish that the bill should pass. Messrs. Talcott, Barlow, and Sedgwick, for instance, living on the line of the canal, might have supposed that the passage of the bill would be defeated without their aid, and were desirous to avoid creating personal opponents by voting against it. Mr. Seymour, on the contrary, denies any such intentions as those of which he was charged, and alleges, with great force, as a reason, that he could not know when he advocated the bill that five of the governor's friends would avoid voting upon it.

The radicals further alleged, that the passage of this bill first convinced Gov. Wright of the hostility of the hunkers to the law of 1842; and that at the same moment he handed the veto message to his private secretary, he delivered the convention bill to his messenger to deposite in the office of the secretary of state. And that although he had previously been opposed to a convention with unrestricted powers, he now regarded that measure as the only means of preserving the credit of the state.

The governor's veto message, like every thing else written by him, was executed with great ability. The following extracts exhibit the substance of it:

"The first section of the bill appropriates one hundred and ninety-seven thousand dollars from the revenues of the canals, and commands its payment by the commissioners of the canal fund, for the following objects, and in the following proportions, namely:

"1. Twenty-five thousand dollars 'for the reconstruction of such locks on the Crooked Lake Canal, as the canal commissioners shall judge necessary to ensure the safety of navigation on that canal.'

"2. Eighty-two thousand dollars 'for the purpose of

completing and bringing into use such works on the Erie Canal enlargement as the canal commissioners shall decide will best promote the interest of the state and the facilities of navigation.'

"3. Fifty thousand dollars, 'to be expended upon the Genesee Valley Canal for the following objects, to wit :

"1. For the purpose of preserving the work on the Genesee Valley Canal which has been finished and not brought into use ;

"2. Or which has not been finished ;

"3. And the materials that have been procured and paid for, or estimated to contractors for such work ;

"4. And for the purpose of completing the construction of such portions of the unfinished work on the said canal as the canal commissioners shall be of opinion will be the most economical for the interest of the state.'

"Twenty thousand dollars to be expended upon the Black River Canal, south of Boonville, for the same objects as those specified in relation to the Genesee Valley Canal; and twenty thousand dollars to be expended upon the Black River Canal, north of Boonville, for the same objects."

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"Against the first expenditure authorized, namely, the reconstruction of such locks on the Crooked Lake Canal as the canal commissioners shall judge necessary to ensure the safety of navigation on that canal,' I make no objection." \* \* \* "Against the second expenditure authorized, 'for the purpose of completing and bringing into use such works on the Erie Canal enlargement as the canal commissioners shall decide will best promote the interest of the state and the facilities of navigation,' I should not find myself compelled to interpose objection." \* \* \* "I have come to the same

conclusion in relation to the three first objects of expenditure upon the Genesee Valley Canal, as they are found specified in the bill, and are above enumerated, namely :

" " 1. To preserve the work which has been finished and not brought into use.

" " 2. To preserve the work which has not been finished.

" " 3. To preserve materials that have been procured and paid for, or estimated to contractors for such work."

" This," continues the governor, " brings me to the provisions of the bill which I find myself unable to approve. That relating to the Genesee Valley Canal is enumerated above, under the fourth head of expenditure upon that canal, and is, by the force of the language last above quoted, in effect, repeated in reference to the Black River Canal. The expenditure upon both is directed to be 'for the purpose of completing the construction of such portions of the unfinished work on the said canal as the canal commissioners shall be of opinion will be the most economical for the interest of the state.' This enactment I am compelled to consider as putting an end to the policy of a suspension of the public works, until the debt of the state shall be brought within the safe and certain power and control of its revenues, without taxation upon the people; and as a distinct resumption of those works, under circumstances quite as objectionable, in reference to the provisions and policy of the suspension act of 1842, and the other legislation, previous and subsequent, upon the same subject, as such a resumption would be without any forms of limitation upon the expenditure.

" I am well aware that this bill preserves the forms of limitation, and that its friends appear to have convinced themselves that its provisions are in strict accordance

with the provisions and policy of the suspension act, and of course, I presume, with the other legislation to which I refer. In this view of the enactment in the bill now under immediate consideration, I am wholly unable, after the most careful examination, and mature reflection, to concur with those who hold these opinions, and hence my inability to approve and sign the bill itself, while this provision constitutes a part of it. I will proceed to state the grounds of my dissent, and my objections to the enactment, as concisely as shall be consistent with a clear and full understanding of them."

He then proceeds to show that this appropriation is in violation of the pledges contained in the law authorizing the construction of the Cayuga and Seneca, Oswego and Chenango canals, and entirely inconsistent with the provisions and pledges of the act of 1842.

The governor concludes his message by declaring that he cannot express the regret he feels at being under any circumstances compelled to make a decision contrary to the opinion of the majority of the legislature; "still," he says, with that peculiar modesty which characterized every act of his life, "my most solemn convictions assure me, that I but discharge an imperious constitutional duty, unmixed with, and uninfluenced by, a single personal feeling or interest of which I am conscious. That the consequence of my action is but a call upon the legislature to reconsider its own, and not a necessary rejection of the bill, is a gratifying reflection; and I am not without hope that the considerations I have presented, imperfect and tedious as that presentation is, may induce the two houses to come to my conclusion, that the bill, in its present shape, and with its present provisions, ought not to pass. If, on the contrary, these

considerations shall seem to deserve no weight, and the bill shall pass, notwithstanding the objections, the harm, if any, of this communication, must fall upon myself, where it should rest, if the objections are not well founded. Should neither of these results follow, and the bill fail for a want of the constitutional vote, a majority of both houses continuing to be in its favor; in that case, I shall cheerfully submit to the people of the state the decision of the issue which will be formed between myself and the majority of the legislature, rejoicing in the conviction that the difference of opinion on my part is unaccompanied by one personal feeling unfriendly to a single individual of that majority, and determined that the decision of our common constituents shall be submitted to by me, in the same spirit in which I have joined the issue."

We have given these ample extracts from this message, because it has been alleged, and is believed by many, that this was the principal cause of the loss of Mr. Wright's election in the autumn of 1846.

To the great regret of the New York bar, and of the public generally, WILLIAM KENT, whose appointment as judge of the first circuit has been heretofore noticed, resigned his office in consequence of impaired health, and the governor appointed JOHN W. EDMONDS, formerly a prominent member of the state senate, in his place.

Mr. Edmonds, by the manner in which he discharged the duties of the office, soon furnished evidence that the selection was judicious. He has proved himself an able judge, and a firm, independent defender of human rights. The people of the first circuit have evinced that they properly appreciate his merits by electing him a judge of the Supreme Court in the first district.

## CHAPTER XIX.

Bill to prevent persons appearing disguised and armed—Anti-rent Convention at Bern—No Democratic legislative Caucus was held at the close of the session—Address of the Radical members—Whig legislative Caucus and Address—Democratic Mass Meeting at Albany—Different opinions as to the course pursued by Governor Wright—J. A. Spencer and Samuel Young elected Senators—General Result of the Election in November, 1845—Death of General Jackson—Death of Judge Sutherland—Death of Francis Dwight—His Character.

On one of the first days of the session of 1845, a bill, in pursuance of the recommendation of the governor, was introduced, entitled "An act to prevent persons appearing disguised and armed." It authorized the arrest of all persons who appeared having their faces concealed or discolored; and, upon being brought before a magistrate, on failure to give a good account of themselves, it declared that they should be adjudged vagrants, and punished accordingly. The bill armed the sheriff with the power of the county, and made it highly penal for any person to refuse to aid him in the discharge of the duties imposed on him by that act. This bill passed rapidly through both houses, and became a law on the 26th of January.\*

\* We omitted to mention in its proper place that an anti-rent state convention was held at Bern, in the county of Albany, on the 15th of January, the proceedings of which were published in a well-conducted anti-rent newspaper printed at Albany, called "*The Guardian of the Soil*." These proceedings evinced great moderation, and on the whole were creditable to those who constituted the assemblage. Dr. F. Crouse of Guilderland, was president pro tem. It is stated that eleven counties, and a much greater number of associations, were represented, viz: Albany,

It has already been mentioned that at the time the state officers were chosen, Mr. Van Buren and Mr. Bouck were elected regents of the University. The former, soon after his appointment, addressed a letter to the president of the senate declining to accept the office, and on the 10th day of May, Jabez D. Hammond was appointed to supply the vacancy.

The legislature adjourned on the 14th day of May. For the first time for many years, no caucus of the democratic members, for the purpose of addressing their constituents, was held. A joint committee of the two houses for calling caucuses then existed, but in consequence of some misunderstanding, no call for a caucus was made. That committee consisted partly of hunkers and partly of radicals. The committee on the part of the senate consisted of Messrs. Porter, Clark, and

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Rensselaer, Schoharie, Delaware, Montgomery, Schenectady, Greene, Sullivan, Columbia, Ulster, and Otsego. The following were the officers of the convention:

Hugh Scott, of Albany county, president.

William Murphy, Albany county; Henry Conklin, Rensselaer; D. L. Sternbergh, Schoharie; Orville H. Wilcox, Columbia; Harvey I. Hamilton, Montgomery; John Ladd, Jr., Schenectady; Martin Lamy, Ulster; Hiram Faulkner, Greene; Robert Sloat, Otsego; Wm. Morrison, Delaware; Divine More, Sullivan, vice-presidents.

Thos. Ten Eyck, Rensselaer; Abn. Spickerman, Schoharie; John D. Langden, Columbia, secretaries.

The convention was addressed by Mr. John Mayham, of Schoharie. Resolutions, disapproving of the outrages in Rensselaer and Columbia, but avowing a determination to adhere to the anti-rent cause and candidates, were adopted. They also resolved to petition the legislature; and appointed a committee to meet in Albany, with the petitions, on the 5th of February, and remain in attendance upon the legislature as long as such attendance should be advantageous. The following persons were appointed a state central committee: Lawrence Van Dusen, East Bern, Albany county; Abn. Spickerman, Bernville, Schoharie county; John Bowdish, Root, Montgomery county; Luther Butts, Kortright, Delaware county; Harry Betts, Rensselaer county.

Lott. After the adjournment of the legislature, each section charged the other with designedly preventing a caucus, and rather an angry correspondence was carried on between Senators Porter and Clark on the subject, which was published in the *Atlas* and *Argus*, in which they mutually accused each other with a course of conduct unfriendly to a union of action of the democratic party. The truth probably was, that both parties, believing it impossible to unite in an address which would be satisfactory to all, were disinclined to meet together in caucus; and that each party desired to produce an impression abroad that the failure of presenting to their constituents the usual address was chargeable on the adverse party.

The radicals, however, did prepare an address, which was signed by thirteen senators and thirty members of the assembly. The material part of this address, to which the hunkers could not subscribe, was, that it took ground on the convention bill adverse to the principles of a majority vote by the people, according to the test which had been proposed by the minority in the assembly, and against a separate submission of the amendments to the constitution which the convention might propose. Much complaint was made by the hunker newspapers against the radicals for publishing this address, as irregular, contrary to the usages of the democratic party, and as factious.

After the adjournment of the legislature, the whigs published an address, reported by a committee of which Mr. Worden was chairman, and which was probably drawn by him. It was signed by forty-nine members of the legislature.

In the address the signers of it complain of the finan-

cial act of 1842, as construed by the governor in his veto message of the canal bill. They present an elaborate view of the financial operations of the state. They allege that ten millions of the existing canal debt was contracted before the whig party in 1839 came into power, and they charge that the practice of loaning the public money to corporations was begun by the democrats while they constituted the dominant party in the state. They give an historical account of their legislative proceedings on the subject of the constitutional convention, and they justify the measure upon the ground that amendments to the constitution had become indispensable, and that experience had proved that it was morally impossible to agree on the details of some essential alterations in the organic law, which would be approved by two consecutive legislatures, in the manner directed by the constitution of 1821.

In respect to national affairs, they declare themselves in favor of the tariff of 1842. They denounce in strong terms the annexation of Texas, and they charge the democratic party in the New York legislature with indirectly favoring that measure, by refusing to act upon resolutions condemning the project, which the whig members had proposed.

The address was an able one, and seems to have been well calculated to make an impression on the mind of the public.

During the recess of the legislature, and before the general election in November, there was not much apparent political excitement. The whigs were quietly endeavoring to strengthen themselves in the legislature at the coming election, but serious divisions began to appear in their ranks. The Courier and Enquirer came

out openly against the convention, and more than insinuated that Mr. Young, Mr. Weed, and others, were too radical in their principles, and that they advocated wild and revolutionary theories, calculated eventually to unsettle the rights of property, and destroy social order. Gov. Seward was charged, if not in the public papers, in private circles, with abolition propensities, and a design to enlist the Irish Catholics in his favor personally.

The masses of the democratic party in the country counties, although they were not inclined to take sides either with hunkers or radicals, amazed and bewildered by the scenes which had occurred in the capital, did not appear disposed to act with energy, or their accustomed zeal. An effort was made, soon after the adjournment of the legislature, to inspire more enthusiasm in the masses of the democratic party, by getting up a meeting at the capitol, called by the general republican committee, to respond to the convention bill and the veto message; and similar meetings were called in New York and other places. The meeting at Albany was attended by some of the most respectable citizens of that city. It appears to have been attended chiefly by the radicals. JOHN KEYES PAIGE was chosen president, and Colonel James M'Kown and nine other gentlemen vice-presidents. Letters were received and read from Ex-President Van Buren and George P. Barker. A committee, consisting of thirteen persons, among whom were Peter Cagger, H. H. Van Dyck, Bradford R. Wood, and Nicholas Hill, Jr., was appointed. The meeting was eloquently addressed by the attorney-general, John Van Buren, and David B. Gafney, Esq., a talented and eloquent adopted citizen.

The first resolution of the meeting was in the following words:

"Resolved, That we hail with unbounded satisfaction the veto of Gov. Wright of 'the act in relation to the canals,' and the exposition of the financial policy of the state, with which he has accompanied his objections to the passage of that bill. And regarding, as we have been taught to do by the illustrious example of Jackson, the veto power as a prerogative in the hands of the executive, to be wielded for the protection of the rights and liberties of the whole people, against the errors of judgment, and departures from sound principle of the legislative department, subject to the approval of the common constituency—we accept this exercise of that prerogative, as one required by every consideration of justice to the tax payers and to the public creditor, and of regard for the public welfare and the pledged honor of the state; and that as a portion of the constituency to which it appeals, we respond to it by the unanimous and emphatic declaration of our sincere approval, and the pledge of a support, as firm and vigorous and patriotic as the measure in whose behalf it is tendered."

Other resolutions were passed, warmly approving of the convention bill.

The object of the sagacious gentleman who was most efficient in getting up this meeting,\* and who, it is presumed, drew the resolutions, seems to have been to make the convention and veto message, measures of the party, and to have gone into the canvass at the next election on such issues as might be formed in relation to those measures. The expectation, then, was, that these

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\* Dudley Burwell, Esquire.

two measures would be taken up by the radical newspapers, and the subjects connected with those measures warmly and vigorously discussed and earnestly pressed on the attention of the public during the summer and fall. They anticipated that the effect of such a course of proceedings would be to produce a renovated democratic party, who would have the control of the convention when it should meet. In these expectations they were wholly disappointed. "This idea," [the idea of making the convention bill and veto message issues,] says an intelligent radical friend, in a letter to the author, "was, to the utter astonishment of the radicals, abandoned, and after a few weeks both measures were permitted to sleep in quietness. Even the *Atlas* seldom alluded to them. My *inference* is, that many of the old republican friends of Gov. Wright besought him not to press these measures too hard, and that ultimately they would support them and maintain the organization of the party; that he yielded to these suggestions from the best motives that can warm the heart, but that he mistook then, as he constantly did till the vote of 1846, the character and objects of these pretended friends. The time for discussion was the summer of 1845. It was allowed to pass unimproved, and the election of that fall, in many counties, proceeded upon old issues." \* \* \* "To one familiar as I was for several years with the majorities of the several counties in the state, and with the sentiments of the people as radical or conservative, I confess I have watched the progress of these matters with great solicitude. Until the last moment Governor Wright was constantly recurring to his *old friends*, and relying upon their personal assurances that they would never desert him. He believed it." \* \* \* "I tried

myself to arouse him, but I found that it was vain. The confidence in former friends is stronger than the belief in new principles. He hesitated between them—he tried hard to reconcile them, failed, and was lost."

This is the view taken of the conduct of Gov. Wright by one of his radical friends. We will place in juxtaposition with it the inferences and opinion of a distinguished hunker:

"The result of the session (of 1845) was to make John Young governor, as the whigs felt he had secured the passage of the convention bill under circumstances calculated to divide and distract the democratic party. The canal bill veto was injurious to Gov. Wright. It appears to have been the fate of that distinguished man to be destroyed by those claiming to be his *particular* friends, but who constantly used him for some selfish purpose." \* \* \* "In my judgment, Gov. Wright committed some fatal errors at this session. I think his *own views* in the main were correct, but he allowed himself to be overruled, and in some instances he evinced a want of firmness. This was particularly true in relation to the convention and canal bills. He approved of the amendments to the convention bill which were proposed and supported by a majority of the democratic members of the legislature; and as the minority who opposed these amendments claimed to be his particular friends, had he acted with firmness and energy he certainly could have controlled them. Had he done so, the division of the party would have been avoided, and the *canal bill would not have been passed*, and his veto would not have defeated him in 1846. Gov. Wright had a better faculty for *making* friends than for *controlling* them. In this respect he lacked *executive* talent."

One object we have in presenting copies of these letters is to show how very differently honest men will judge of the same act and same transaction. The authors of these letters are both men of high character for honor and integrity, both are profound and sagacious politicians, both are excellent judges of men, and of the consequences which a given political act is most likely to produce; and although these gentlemen concur in the opinion that Gov. Wright committed two capital errors, yet one of them charges as an error what the other ascribes to his wisdom and virtue. One says he was ruined by trusting to his "*old friends*," while the other affirms his ruin was produced by being too much influenced by his "*particular friends*," and neglecting his "*old ones*." Both, however, concur in the opinion (notwithstanding one of them was his opponent) that Gov. Wright was a great and good man; and though both think he sometimes erred in judgment, both believe and declare that he was always governed by pure and patriotic motives.

Notwithstanding all the difficulties and embarrassments with which the democratic party were surrounded, they succeeded in electing a majority of the members of the legislature at the November election. The whigs, in the third district, elected Mr. Van Schoonhoven, of Troy, who was also the nominee of the Anti-renters, who polled a large vote in that district; and they likewise elected Mr. Joshua A. Spencer in the fifth district. This district was largely democratic at the election in 1844; we believe it gave some two thousand majority. Mr. Spencer was elected in consequence of a schism in Oneida county between the hunker and radical democrats, by means of which that county, which had here-

tofore given from eight to ten hundred democratic majority, now elected whig members of the assembly, and gave Mr. Spencer a majority. There were also some local difficulties in the county of Otsego, which was decidedly democratic, but which, in consequence of those difficulties, gave Mr. Spencer a majority of more than six hundred. There was still another circumstance which greatly aided the success of Mr. Spencer. He was well known through the district as a lawyer deservedly eminent in his profession, distinguished for probity and integrity, and for purity of character. The whigs also, as usual, succeeded in electing their senatorial candidate in the eighth district. The democratic party elected their candidates in all the other districts. Col. YOUNG had at an early day been unanimously nominated by the democrats of the fourth district. In his letter by which he signified his acceptance of the nomination, after stating that "with respect to the honor of that station, every individual wish and every personal aspiration had long since been gratified," and that had the nomination depended on his own act, that act would not have been performed; but that the generous and abiding confidence which had spontaneously produced his nomination at that time, had imposed on him an additional debt of gratitude which time could not obliterate, and which no effort of his could repay; he added, "*And although some remnant of the spirit of thirty-six (not seventy-six) may yet remain in the legislature, yet I feel that I ought not to shrink from a position which may again subject me to its bitterness.*"

His bold denunciation of the banking monopoly, and of public expenditures for internal improvements which he as a senator during the year to which he alluded had

so resolutely opposed, called out a vigorous opposition to him in some parts of the district. He was, nevertheless, elected over a very popular opponent, Mr. Hopkins, by more than one thousand majority.

Edward Sanford, son of the late chancellor, was elected from the first district, in place of Mr. Varian; Saxton Smith, from Putnam county, in place of Judge Bockee, of the second district; William H. Van Schoonhoven, from the third district, as successor of Erastus Corning; Samuel Young, from the fourth, in lieu of Edward Varney; Joshua A. Spencer, in place of George C. Sherman; Thomas J. Wheeler, from the sixth, succeeded Dr. Faulkner; Richard H. Williams, from the seventh, in place of William Bartlit; and Gideon Hard was re-elected from the eighth district. In the senate elect there were twenty-five democrats, six whigs, and one Native American. The abolitionists supported candidates in each of the districts, and their aggregate senatorial vote was 15,747. The votes *for* a convention were 214,700; and against it, 33,032—showing a majority in favor of that measure of 181,668!

Of the members of the assembly the democrats elected 74, the whigs 52, and the Anti-renters elected two from the county of Delaware.

On the 8th of June, Gen. ANDREW JACKSON died at the Hermitage in Tennessee. He retained his intellectual vigor, his fortitude and personal courage, which he possessed to as great a degree as any human being who ever lived, to the last moment of his life. One of the last sentences which he uttered was, "I have fulfilled my destiny on earth, and it is better that this worn-out frame should go to rest, and my spirit take up its abode with the Redeemer."

JACOB SUTHERLAND, who had been in public life more than twenty years, died at Albany on the 13th of May, at about the age of sixty years. In the year 1822 he was appointed a judge of the Supreme Court, and held that station for fourteen years, when he resigned the office. He was not only a learned lawyer, an able, impartial, and independent judge, but a man of genius and elegant literary attainments. His death was deeply felt and universally lamented.

FRANCIS DWIGHT, the editor of the Common School Journal, and superintendent of schools in the county of Albany, died on the 15th day of December. We have heretofore spoken of this amiable and excellent man, and yet we would not part with him without an expression of our veneration for his virtues, and "a lament, which, alas! is unavailing, that he should have been taken from us in the prime of his life," and in the midst of his usefulness. It is pleasant to turn from viewing the fierce struggle of selfish and infuriated politicians, and contemplate retired and modest virtue, and disinterested but ardent benevolence. It was honorable to the citizens of Albany, that the most respectable literary associations of that city, and several public bodies, held meetings and passed resolutions in testimony of their respect for the memory of this truly benevolent and meritorious, but unpretending individual.

## CHAPTER XX.

Legislature of 1846—Col. Crain and Mr. Bailey, candidates for nomination to the Speakership—Mr. Crain nominated and elected Speaker—Delos W. Dean, Clerk—Anti-Rent Outrages—Trial of the Insurgents in Delaware County—Judge Parker—John Van Buren—Governor's Message—Legislative Proceedings—Debate in the Senate on the Resolutions proposed by Mr. Jones—Bill on the subject of State Printer—Proceedings and Debates thereon in the Senate and Assembly—Act abolishing Distress for Rent—Mr. A. G. Chatfield chosen Speaker pro tem.—Col. Young elected President pro tem. of the Senate—R. E. Temple appointed Adjutant-General—Hiram Gray appointed Judge of the Sixth Circuit—L. H. Sanford Vice-Chancellor of the First District—Death of Jonas Earl.

ALTHOUGH the first senatorial district had lost the services of Mr. Varian, late mayor of New York, a worthy man and fair-minded legislator, it had chosen in his place Mr. Edward Sanford, who, without assuming to be a leader, was really a talented and useful member.

Col. Young and Mr. J. A. Spencer added greatly to the talents in the senate. Mr. Spencer's great legal learning, industry, and abilities, rendered his services as a member of the court of dernier resort, of inestimable value.

In the assembly, though the democratic party had lost the distinguished and able gentleman who represented the county of Oneida the preceding year, it had gained a democratic representation from the city of New York, among whom we perceive the name of that worthy and excellent legislator, John Townsend. Mr. Tilden, from

New York, and Mr. John D. Stevenson, whom we have mentioned as having had a very important agency in disclosing the Glentworth misdemeanors, were influential members of the assembly, and took an active part in its proceedings. Mr. J. Leslie Russell, a very valuable member of the last assembly, from St. Lawrence, and an estimable man, had declined a re-election, but his place was supplied by Mr. Bishop Perkins, of Ogdensburg, a lawyer of long standing in that village, and of a character highly respectable.

In consequence of a local question in Schoharie respecting the site for a new courthouse, General Thomas Lawyer and Mr. Thomas Smith, both residents of the same town, (Cobleskill,) were elected, although the former was a leading democrat, and the latter a zealous whig. Gen. Lawyer had been a member of congress, and his age and experience gave him much weight in the house, and the talents and industry of Mr. Smith rendered him a valuable acquisition to the whigs.

Andrew G. Chatfield, who had formerly been a member of the assembly from Steuben, was again returned from that county, and by his courtesy and conciliatory address, as well as by the tact and talent evinced by him in debate, afforded much aid to the democratic party in that house.

**WINFIELD SCOTT SHERWOOD**, whom we have heretofore mentioned as an unsuccessful candidate for the appointment by Gov. Bouck to the office of adjutant-general, was at this session returned as a member from the county of Warren, and proved himself to be one of the ablest, as he was one of the most zealous members of the hunker section. Before this session closed, Gov. Bouck must have been convinced that he misjudged

when he refused to appoint him to the office for which he was recommended by his friends.

That frank and honest-hearted man, William C. Crain, from the county of Herkimer, the candidate of the radicals for speaker against Mr. Seymour, was re-elected, and again appeared at the capitol.

But the most talented man of the radical party, and perhaps of the whole democratic party, was BENJAMIN BAILEY, of Putnam county. He was, as will be recollected, a member of the last assembly. Judging merely from the printed reports of the proceedings of that body, (for we have no personal acquaintance with him,) we are inclined to the opinion that he had too much acerbity of temper, but he certainly did possess a very acute and discerning mind, and talents of a high order.

The whigs had several men in this assembly of very superior talents. Messrs. John Young and Alvah Worden were again returned as members of that body. Of the tact, address, and talents of these gentlemen, and also of Mr. A. W. Young, we have heretofore spoken.

Mr. Lot Clark, from the county of Niagara, was formerly a very active and efficient democratic Bucktail politician from the county of Chenango, and in the year 1824 was elected a member of congress from the district of which that county makes a part. He afterwards migrated to Florida, but being dissatisfied with Mr. Van Buren, of whom from early life he was a zealous friend, in consequence of his principles in relation to banking, and his recommendation of the sub-treasury, he came out in opposition to the administration, and upon his return to this state was as zealous a whig as he had formerly been a democrat. Mr. Clark is a man of great mental resources, active and energetic in all the pursuits

in which he engages, a warm-hearted, liberal friend, but an uncomfortable and rather formidable opponent. Mr. Clark was a conservative whig.

IRA HARRIS was re-elected from the county of Albany. In the fall of 1844 he had been nominated by the anti-renters while he was on a journey to the far West, without his knowledge, and without any pledges that he would support their peculiar views. They knew his general principles with regard to individual rights, and they, as all who were acquainted with Ira Harris knew, that he was a man of integrity and honor, and they therefore did not hesitate to select him as their candidate. The whigs also nominated him, and he was elected; and in the same way he was re-elected in 1845. Mr. Harris had, before this time, devoted himself to the practice of his profession, and was scarcely known as a politician; but when he came into the legislature, he immediately afforded evidence of distinguished talents and political tact, and he is now a justice of the Supreme Court, elected from the third district, and discharges ably the duties of that high office.

WILLIAM G. BLOSS was re-elected from the county of Monroe, and was an industrious and efficient member.

Dr. JOHN MILLER, of Courtland county, added to the whigs, in the assembly of 1846, the weight of his character and the benefit of his counsel. He had, on several occasions previously, been a member of the New York legislature, and also a member of congress from the district in which he resided. He was a man of great decision and energy of character, and deservedly highly esteemed in his own county as a professional man and patriotic citizen. The author hopes he may be excused for paying this tribute of respect to a friend of long

standing, and one with whom he acted during the wars between the Clintonians and Bucktails.

Before we conclude our remarks on the general character of the members who composed the legislature of 1846, it may be proper to state, that, although we have stated that the county of Delaware only, elected anti-rent members, the members from several other counties, who were characterized as whigs or democrats, were in fact elected by anti-rent votes, having been selected from the tickets which had been formed by the whigs or democrats, and nominated by anti-rent conventions. Thus, Ira Harris is classed as a whig, and Robert D. Watson and Thomas L. Shafer as democrats, from Albany county, who were in truth elected by the balance-power held by the anti-renters. The same remark is applicable to the whig members returned from Rensselaer, and we presume to the democratic members returned from Columbia counties.

We have already stated that there were seventy-four democratic members elected to the assembly, and of these a large majority were radicals. The public mind was therefore prepared to expect that Col. Crain, having been the radical candidate the last year for speaker, against Mr. Seymour, would now be elected to that office without opposition, or at any rate, without a competitor from the ranks of the radicals. But this expectation did not prove to be well founded. When the members collected at Albany, Mr. Bailey, of Putnam, was supported as a candidate for speaker by a considerable portion of them, and his claims were zealously pressed. A caucus was held on the evening before the day when the session was to commence, attended by seventy members. Mr. Sydney Lawrence, from Frank-

lin county, formerly a senator, was chosen chairman, when the members proceeded to ballot for a candidate for speaker. The balloting went on, until the name of Gideon O. Chase, from Tioga, was called, when his right to vote was challenged by Mr. Wells, an ardent, but talented young man, who was a member from the city of New York, on the ground that he had been elected in opposition to a regular nominee of a democratic convention of that county. This was a new question, but his right to vote was advocated by Mr. Bailey, and Mr. Perkins, of St. Lawrence county, and his ballot was eventually received. The result of the balloting was, that Mr. Crain received 48 votes and Mr. Bailey 22, whereupon the nomination of Mr. Crain, on motion of Mr. Bailey, was declared to be unanimous. The meeting then proceeded to ballot for clerk, the result of which was that Delos W. Dean, of Otsego county, obtained 40 votes, and James F. Starbuck, of Jefferson county, 33: Mr. Dean was thereupon unanimously declared duly nominated.

The whigs nominated John Young for speaker, and George W. Weed for clerk.

When the assembly met the next morning for organization, Mr. Crain received 73 votes for speaker, Mr. Young 44, and Mr. Harris 7, being, as is presumed, all the anti-rent votes in the assembly, except his own, which he gave to Mr. Thomas Smith. Mr. D. W. Dean was elected clerk by a vote of 77 to 48.

The governor sent in his message at the usual hour, but, before remarking on it, we will state what ought to have been related in the preceding chapter.

During the summer of 1845, some alarming outrages were committed by the anti-rent associations, called In-

dians, on account of their dress and artificial color, in the counties of Columbia and Rensselaer. The law to prevent persons appearing disguised and armed, did not, as it was hoped it would, have the effect to prevent or quiet those disturbances.

In Columbia county, a deputy-sheriff was shot at and wounded, and various other outrages were committed. The most active agent in exciting those disturbances (Doct. Boughton) was arrested and brought to trial, but all the jury would not agree to convict him. On a second trial he was convicted and sentenced to the state prison. In Delaware and Schoharie frequent riots occurred, and finally, on the 7th of August, Mr. Steel, a deputy-sheriff, and a very worthy citizen, while engaged in the discharge of his official duties, was attacked by an armed party, and inhumanly murdered in open daylight.

The party styling themselves Indians were so numerous in the county of Delaware, and so bold in their resistance to the law, that the peaceable citizens of that county applied to Gov. Wright to declare the county in a state of insurrection. The governor acted on this emergency with great promptness and energy. He issued a spirited proclamation, and at the same time ordered out an efficient military force. The proclamation pointed out the enormities which had been committed, it exhibited with great clearness and force the necessity of maintaining law and order, and solemnly appealed to the tenants, who felt aggrieved in consequence of the rigorous tenures under which some held their lands, to seek relief and redress by constitutional measures alone, and to support the laws and civil institutions of the country as the only means of ensuring the preservation and safety of their own lives and property.

"To the disguised men themselves," said the governor, "and those *less worthy than they*, who press them forward into the danger from which they themselves shrink, I have only to say, that wrong acts never serve even a good cause; that persistence in crime cannot mitigate the heavy weight upon the mind and conscience of the first crime; and that no disguises are perfect enough to protect the heart from the eye of Him who sees its thoughts and intents.

"For the sake of the character of our state, and of our people, as well as for the peace, and prosperity, and harmony of our society, I earnestly hope that the day may not be distant, when I may be called upon to discharge another and a far more pleasant duty, under a provision of the same law under which I now act, by revoking this proclamation.

"Yet the law must be enforced. Our institutions must be preserved. Anarchy and violence must be prevented. The lives of our citizens must be protected, and murder must be punished. And when that portion of our citizens who, now transported by passion and led away by singular delusions, are ready to strike down the law and its ministers, shall become convinced that a different course is alike the part of wisdom and of duty, and shall again submit themselves to the laws of the state, then, and not before, can I expect to be permitted to perform that more pleasing duty."

A special Court of Oyer and Terminer was soon after held by Judge Parker in the county of Delaware, (the county in which he commenced and pursued his professional business until he was appointed judge,) which continued several weeks. A considerable number of the accused were convicted, and sentenced to punish-

ment in the state prison, and two were convicted of murder, and sentenced to be hung. The death penalty was afterwards commuted by Gov. Wright for confinement in the state prison during life.

It was conceded by all that Judge Parker presided during these numerous, lengthy, and exciting trials with great dignity, impartiality, and firmness. No higher evidence can be furnished of his impartiality than the fact that in 1847, when he was a candidate for the office of judge of the Supreme Court, although the anti-renters in the county of Delaware polled a majority of the votes, Judge Parker obtained a large majority in that county. The path of duty is not only the road to honor, but generally leads to a rich reward.

The attorney-general, John Van Buren, attended these trials in behalf of the people, on the requisition of the governor, and to his perseverance, address, and professional skill, aided by the labors and industry of the district-attorney, Mr. Houston, we are undoubtedly greatly indebted for the maintenance of law and order, by the repeated verdicts of a jury taken from the body of the county of Delaware, many of whom, it is fair to presume, when impanelled, were strongly biased in favor of the anti-rent cause.

We take this occasion to say, that there is something remarkable in the brief history (for he is yet young) of Mr. John Van Buren. Although the son of a president of the United States, he early manifested a determination not to content himself with the standing in society which that circumstance gave him, but to create a capital which should be entirely his own, independent of the reputation of his father. While that father was president, and had at his command the vast patronage

which the constitution devolves on the national executive, John Van Buren, instead of asking, or being willing to receive any of that patronage, or wasting his time in fashionable circles at the capitol, in the enjoyment of court pleasures and court blandishments, *commenced* the practice of law at Albany, in partnership with Col. M'Kown of that city, and actively and assiduously devoted himself to the common business and labors of a law office. His industry and legal learning, independent of all the factitious circumstances with which he was surrounded, soon elevated him to a distinguished rank in his profession. It is no disparagement to the late president to say that John Van Buren possesses talents equal, if not superior, to his father. If age and experience in social and public life shall enable him to acquire the prudence and discretion of the late president, and if his political associations shall not prove unfortunate, the prediction is by no means hazardous, that a splendid career awaits him.

In the month of December, the governor was officially informed that the insurrection was suppressed, and on the 18th of that month he issued a proclamation revoking the previous one. No serious disturbances afterwards occurred. The firmness and vigorous action of Gov. Wright, during all these alarming attempts to prostrate the laws of the state, merited and received high commendations from all well-disposed citizens of the community, and richly entitle him to the gratitude of this and all succeeding generations.

It is quite unnecessary to say that the message of Gov. Wright was able and well written. His exordium is beautiful.

"We are assembled," says the governor, "to perform

the highest and most responsible duties pertaining to civil government. Other departments are charged with the administration and execution of the law. Upon the legislature is devolved the duty of making the law. Its action is the rule of administration and execution. That action is over all and rests upon all. It binds the conduct of men to the extent of the extreme penalty of human life, and the interests of men to the extent of every thing which can be held as property."

He then proceeds to give a history of the anti-rent disturbances and outrages, and arrives at the conclusion that they have substantially subsided; and he adds—

"In my former communication to the legislature upon this subject, I stated that I considered myself precluded from discussing, or even considering, the real merits of the differences existing between the landlords and the tenants, by the violent and criminal conduct of those who assumed to act for the latter, and in their name, and apparently by their approbation; and who had changed the issue to one between sustaining the law, preserving the public peace, and protecting the rights and lives of unoffending citizens on the one side, and armed resistance against the law, wanton disturbances of the peace, and aggravated trespasses on the rights and lives of individuals on the other."

But inasmuch as resistance to the laws was now discontinued, and the peace of community was restored, the governor felt authorized to propose and recommend the following measures for the alleviation of the condition of the tenantry:

- “1. That distress for rent accruing on all leases executed in future, shall be abolished.
- “2. Taxing the landlord for his income by means of rent.

"3. That the duration of the time of all leases *to be* executed should be restricted to five or ten years."

From the returns of the last census, (taken in 1845,) the governor states that "the entire population of the state is shown to be 2,604,495, being an increase, since the census of 1840, taken in obedience to the constitution and laws of the United States, of 188,574, a little more than seven and a half per cent. for the five years."

On the subject of the finances of the state, the governor presents a very clear view,—that is, so far as a very complicated system can be rendered clear. For ourselves, we confess the great number of separate funds, such as the canal fund, the general fund, the literature fund, the bank fund, &c., with which our financial officers keep an account, and the condition of which they exhibit to the people in their reports, seem rather to throw into obscurity and cast a veil of mystery over our financial operations, than to enlighten us in relation to the monetary affairs of the state. The loan of money from the school fund to the general fund, and the indebtedness of the canal fund to the bank fund, convey to a stranger very imperfect ideas of the debts and credits of the state. These things may be necessary and convenient for the accounting officers, but to those unschooled in the mysteries of keeping accounts in the mode practised by the financial officers, they seem as useless as if an individual were to keep an account of the moneys transferred from one pocket to another. We cannot perceive how the supposed individual would be aided in arriving at a safe and certain conclusion in respect to his real pecuniary condition, by charging his jacket-pocket with the money transferred to it from his

breeches-pocket, or his wallet with money taken from his side-pocket and deposited there for greater safety.

The governor states the canal debt at that time unpaid and unprovided for, at \$16,644,815 57; and the canal tolls received during the preceding fiscal year at \$2,616,458 78. At that time there were 1,145,250 volumes in the common school libraries in the state, and 14,018 school districts.

In allusion to the national politics, the governor remarks, that "as a declaration of the policy of the present administration of the federal government, the message of the president appears to me to justify the confidence entertained by the country in the publicly avowed principles of the man, and to realize the expectations naturally excited by his elevation to the high trust he holds. The re-establishment of the independent treasury was confidently anticipated as a result of his election, and that great measure could not have been more distinctly or strongly recommended to congress, than it is in this message. The principles put forth as those which should govern an adjustment of the laws for the collection of our revenue from the customs, are also those the country had a right to expect from his public declarations upon that subject. They appear to me to be substantially the principles upon which alone a tariff of duties upon imports can be adjusted, which will have a promise of permanency, or which will give reasonable satisfaction to the different sections of our widely-extended country, and to all the various interests to be affected."

He concludes his message and his remarks on the condition of the nation, with expressing the following just and patriotic sentiment:

"Whether these favorable anticipations as to the con-

tinued peace of our country are to be realized or not, can vary little the calls of public duty upon us. To exempt our people, as far as may be in our power, from the incumbrance of debt and the burden of taxation, and to secure to them the fullest measure of prosperity which unfettered industry can earn, is alike the course of wisdom in either event. In such a condition, they will be best prepared for the profitable enjoyment of peace, or to meet the scourge of war; and if our deliberations and action shall be unitedly and earnestly directed to these ends, we may reasonably hope for the continued smiles of that Almighty Power who holds the destinies of nations in His hand, and who has hitherto protected our country and her institutions against every hostile assault."

So far as relates to general legislation, little business was transacted during this session. Very few important bills were passed into laws.

Two important political questions were discussed at great length, and occupied a large portion of the time of the legislature. These were joint resolutions offered by Mr. Jones in the senate, approving of the annexation of Texas, claiming the whole of Oregon, in favor of an independent treasury, and against a protective tariff, and the bill on the subject of the state printing. The latter, however, may be regarded rather as a party question, more directly between the hunkers and radicals, than, strictly speaking, a political measure.

On the first day of the session, immediately after the senate was organized for business, and before the governor's message was delivered, Mr. Jones laid on the table the following resolutions:

"Resolved, (if the assembly concur,) That this legis-

lature approve of the course of those of their senators and representatives in the congress of the United States, who have been the firm and consistent supporters of the great measure of the age, the annexation of Texas to the territory of this Union, and who, by their timely and energetic action, have helped to bring it to an honorable consummation.

“Resolved, (if the assembly concur,) That this legislature entertain, and now desire to express, their unqualified approval of the course and policy of the president of the United States upon the subject of the American claim to Oregon; that our title to the whole of that territory is unquestionable; and that we rely with confidence upon the wisdom and firmness of our popular and patriotic chief magistrate, acting upon and practically carrying out the commendable maxim of his lamented predecessor, to demand, as well as submit to, nothing but what is right, so to dispose of this important question, as that the interests and honor of the nation shall be promoted and preserved.

“Resolved, (if the assembly concur,) That our senators in congress be instructed, and our representatives requested to exert their influence to procure, at the earliest possible period, the passage of a law establishing ‘an Independent Treasury,’ for the safe-keeping of the public moneys.

“Resolved, (if the assembly concur,) That we are opposed to a national bank, and that our senators in congress be instructed, and our representatives requested to oppose the incorporation of such an institution, by whatever name or in whatever form it may be presented.

“Resolved, (if the assembly concur,) That we are op-

posed to any tariff laws whose object shall be *protection* instead of revenue; that we are in favor either of a repeal of the present law, or such a modification of it, as that in case of discrimination and incidental protection, all the great interests of the country, to wit, agriculture, the mechanic arts, commerce, and manufactures, may be put upon an equal footing, and that our senators in congress be instructed, and our representatives be requested to carry into effect these resolutions.

"Resolved, (if the assembly concur,) That the present chief magistrate of the United States, in the ability and wisdom with which he has conducted the administration of the government, has fully met the most sanguine expectations of the American people, and this legislature cannot avoid expressing the high gratification which it feels, in having at this time at the head of the government an individual who has the clearness to perceive, the boldness to protect, and the patriotism to preserve and maintain, the honor and fame of our beloved country."

Whereupon Mr. Porter proposed the following as a substitute:

"Resolved, (if the assembly concur,) That the senators in congress from this state be instructed, and the representatives from this state be requested, to aid, by their influence and their votes, in procuring the passage of a law for establishing a constitutional treasury for the safe-keeping of the public moneys; and for thus separating the financial affairs of the government from those of banking institutions, according to the views of the president, as expressed in his message.

"Resolved, (if the assembly concur,) That the said senators be instructed, and the said representatives be

requested, to use their best efforts to secure the establishment of a tariff, in conformity with the principles upon that subject set forth in the president's message.

"And whereas, the title of the United States to the whole of Oregon is clear and unquestionable; yet still, with a view to an amicable arrangement of the conflicting claims of the United States and Great Britain to that territory, our government have repeatedly offered a very liberal proposition, but which has been rejected:

"Therefore, Resolved, (if the assembly concur,) That although war is a great calamity, yet that a sacrifice of national honor is a greater; and if Great Britain shall still adhere to her unfounded pretensions, and shall make on her part no proposition on the subject of an amicable arrangement, which our government shall deem acceptable, and war shall be the consequence, that the state of New York will stand side by side with her sister states, in defence of her rights to the Oregon territory. And further, that notice of the termination of the joint occupancy should be promptly given; and that such measures as may be consistent with treaty obligations, and as are necessary for the protection of the rights and interests of the United States, and of their citizens who now are, or may become residents of that territory, or may be emigrating thither, should forthwith be provided by congress; and that the said senators be instructed, and the said representatives be requested, to use their exertions to secure the passage of laws on these subjects, as recommended in the message of the president."

It will be perceived that Mr. Porter's resolutions were silent on the subject of Texas, and that they do not insist on the *whole* of Oregon.

The cause of this extraordinary haste in getting these resolutions before the senate and the public, will naturally excite the curiosity of the reader.

It was well known that Mr. Wright and Mr. Van Buren were opposed to annexation, when that measure was recommended by Mr. Tyler; and it was also well known that Colonel Young and Mr. Porter, and several other radical senators, accorded with Mr. Wright and Mr. Van Buren in opinion. The hunkers had already intrenched themselves pretty strongly at Washington. Gov. Marcy was at the head of one of the executive departments, Judge Nelson was on the bench of the Supreme Court of the United States, and Mr. Dickinson, a zealous, active, and indefatigable politician, was in the United States senate. Gen. Dix, however, was at Washington, and his influence, from his address and weight of character, it was believed, would be considerably felt. The hunkers were also well aware of the high standing of Gov. Wright in the nation, and the profound respect for his opinions entertained by several of the men in power at the national capitol. The leading hunkers must also have recollectcd the pledges which were made at the Baltimore Convention, by some of the most powerful friends of Mr. Polk. They therefore, in order to intrench themselves still stronger at Washington, wished to make up an issue with the radicals on the question of the annexation of Texas,—a question which they well knew Mr. Polk, and the whole South, viewed with extreme sensibility.

The resolutions of Mr. Jones and Mr. Porter were referred to the committee of the whole, and when they came up for discussion, Col. Young made a very able speech in opposition to the first resolution offered by

Mr. Jones. On the 28th of January, the discussion was renewed, and Mr. Jones made a speech in support of his resolutions, in which he divided the opposers of the admission of Texas into five classes. "First," said he, "the English nation; second, the French nation; third, the abolitionists; fourth, the greater portion of the whig party; fifth, a small portion of the democratic party. With regard to the four first divisions; I do not design to comment at all, or to make any remarks, except in the way of reference. It is in regard to the last division, a portion of the democracy, that I design to comment. And firstly, I propose to divide this last division still farther, and more minutely. The portion of the democratic party who have thrown obstacles in the way of the consummation of this great measure, may be considered as divided into three subdivisions. The first consists of those who have separated from the party on this question, and organized a party distinct from the democratic party. The second division is of those who were originally opposed to the annexation of Texas, but have now mainly abandoned that opposition. The third class are those who were originally opposed to the annexation, still continue opposed, and exhibit a settled dislike to hear any discussion or agitation of the question. Among those who I suppose properly belong to this last class, I beg leave to mention the gentleman who now represents this, the Albany district, in the house of representatives of the United States, the Hon. Bradford R. Wood; the gentleman who represents the Onondaga district, the Hon. Mr. Wheaton; and the gentleman who represents the St. Lawrence district, the Hon. Preston King."

A long and very desultory debate ensued, which con-

tinued from time to time for weeks and months. A very wide range was taken. Those who took part in the debate, and most of the senators did, reviewed the conduct of political men and parties for many preceding years. A bitter personal altercation occurred between Mr. John C. Wright and Gen. Clark on one side, and Col. Young on the other. In these altercations, the merits of the question before the senate seemed to be wholly overlooked, and personal crimination and recrimination was pursued to an extent unprecedented in that body. Who commenced these personal attacks, we are unable to state, but in the progress of the debate Col. Young's assailants reviewed his whole political life, and animadverted upon some parts of it with great severity. If these gentlemen (Messrs. Wright and Clark) evinced much talent, and they certainly did, especially Mr. Wright, in this war with their formidable opponent, they also exhibited much, indeed we may say extreme bitterness. All the acerbity of Col. Young's temper was called into action, and he was by no means behind his opponents in severe and bitter denunciations. It was no trifling undertaking for a man who had acted a distinguished part, and been a warm partisan in New York for nearly half a century, to give an account of every public act of his whole life; but so far as related to his own course, as a public man, for nearly forty years, he defended himself with great energy, and of course with eminent ability. He also traced the history of what he denominated the conservative party through many previous years. He charged them with advocating profuse and unnecessary expenditures of public money for the benefit of individuals, of being the friends of monopoly, and the cause of much corrupt legislation

in relation to moneyed institutions. He claimed that his opponents were the legitimate representatives of that party, and denounced them with peculiar and indignant severity, which can better be conceived by those who are acquainted with him than described.

Mr. Spencer made almost the only speech on the merits of the question involved in the resolution. He argued that the annexation of Texas, by joint resolution, was a flagrant violation of the constitution, and that its real object was the extension and perpetuation of slavery, and the internal slave-trade. "The resolution," he said, "spoke of annexation as the great measure of the age. It was indeed the great measure of the age; for with a longer stride and a more iron tread than any measure of this or any other age, it had broke through every constitutional barrier, and under circumstances still more extraordinary had triumphed. He regarded it as scarcely less extraordinary and unwarranted than would be a proposition to annex England, France, Scotland, Germany, or Russia, to the United States. But he should view it solely with reference to the fact that with Texas had come slavery, and a surrender of the power of the North to the South. Why the North should have been so much in love with the South as to consent to this surrender, he was unable to say. Was it because Georgia, in defiance of the laws of congress, had imprisoned the missionaries invited thither by the United States, and promised security and protection? Was it because Georgia had set at naught the decision of the United States courts, and refused to set the prisoners free? Was it because the executive of the Union omitted to enforce the mandate of the Supreme Court against Georgia? Was it because South Carolina had expelled

from her borders the agent sent by Massachusetts to test the right of that state to imprison colored seamen from the North? Was it because citizens of Ohio had been seized by the authorities of Virginia, on the soil of Ohio, on the charge of aiding in the escape of slaves? But the deed was done, Texas was annexed, and its 'lone star,' obscured by the black cloud of slavery, twinkled in the constellation of American states. The power of the North had been basely surrendered. The South now controlled the legislation of this Union, and we of the North must succumb to their will."

The senate continued from time to time to discuss in committee these resolutions from the 6th of January to the 30th of March, when, by a vote of twelve to nine, that body refused to make them the special order for any subsequent day, and they finally died in the hands of the committee of the whole. There can be no doubt but that, including the whigs, there was a majority in the senate opposed to the resolution which purported to approve of the annexation of Texas.

The Albany Atlas, as we believe we have somewhere before stated, was established as a commercial and city paper by Messrs. Vance and Wendell, in the latter part of the year 1840. In September, 1842, Mr. French received an assignment of Mr. Wendell's interest, and in 1843 Mr. Vance died. Mr. William Cassidy, who had occasionally, before the death of Mr. Vance, written editorial articles for the paper, after his death became a joint proprietor of the Atlas, and one of its editors. Mr. French employed Mr. O'Riley, who had conducted a democratic newspaper at Rochester, to act as co-editor with Mr. Cassidy. In this way the editorial department was conducted, with, as is generally believed, the occa-

sional aid of Mr. Van Dyck, until August, 1846, when Mr. French transferred his interest in the establishment to Mr. Van Dyck, who has since been a co-editor of the paper. From the time it passed into the hands of Messrs. French and Cassidy, it was conducted with great spirit and energy, and from the year 1843 down to the session of 1846, and indeed to the present time, has been the recognised organ of the radical party.

When, in 1843, the war between the *Atlas* and the *Argus* was publicly declared, Mr. Weed, of the *Journal*, after noticing it, good-humoredly remarked, that he did not intend to take any part in the controversy, but he could assure his neighbors of the *Atlas* they had engaged in no sham fight; that they must expect to receive as well as give blows; that he had been warring with the editor of the *Argus* for more than sixteen years, and had found him a very uncomfortable opponent.\*

By the act "To provide for the public printing," passed in 1843, the state printer was to be chosen in joint ballot by the two houses, in the same manner as the other state officers were appointed, and hold his office for the same term. Under this act, Mr. Croswell was appointed in the early part of the year 1843, as has been before stated. His term of office, therefore, expired in January of this year.

We have before remarked that the radicals comprised a large majority of the democratic members in this legislature. The feeling which induced that party in 1843 to oppose the appointment of Mr. Croswell to the office of state printer, had, from a variety of circumstances, become more intense and inflamed.

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\* We quote from memory, not having the paper before us, and are sure we do not do justice to the keenness and wit of Mr. W.

At a caucus held soon after the organization of the legislature by a majority of the democratic members, William Cassidy was nominated state printer. What was to be done? Mr. Croswell undoubtedly felt that much of his political standing in the state and nation depended on defeating the appointment of Mr. Cassidy; and how could that object be accomplished? Mr. Croswell was a caucus man "of the most straitest sect." If there was any thing sacred with him in party obligations, to support caucus nominations was among those which were deemed the most so. In this dilemma, never did he afford higher evidence of skill and address than he exhibited on this occasion, unless, perhaps, his successful project of supporting "*NEW MEN*," at the last nomination of state officers, may be considered as rivalling the ingenuity displayed by him in the controversy about the appointment of state printer. He did not seriously attempt to prevent the *nomination* of Mr. Cassidy, but he and his friends in the legislature concocted a scheme in effect abolishing the office for which his opponent had been designated in caucus.

The whigs were strengthened in the assembly and senate, and now, as in 1845, held the balance of power, headed by that able manager, John Young, between the hunkers and the radicals. It was therefore necessary to devise some scheme which would command their support. We scarce need say that they did not desire to see either Croswell or Cassidy state printer, and therefore were for abolishing the office.

On the 15th of January, Mr. Porter brought into the senate a bill respecting the public printing. It consisted of two sections only, the first of which repealed the third section of the act of 1843, which provided that each house

should elect its own printer, to print and publish its journals and legislative documents ; and the second section directed that that part of the public printing should be done by such persons as would agree to do it at the lowest price. By this bill the residue of the act of 1843 was left in full force.

On the same day, and immediately after Mr. Porter's bill was announced and read, Mr. J. C. Wright offered an amendment to it, or rather a substitute for it. Mr. Wright's bill provided that the *legislative* printing should be done by contract, substantially in the manner proposed by Mr. Porter, but that "*the office*" of state printer should be abolished, and that all notices then required by law to be published in the state paper, should be published in a newspaper printed in the city of Albany. The substitute left the name of the paper, in which those notices were to be published, blank. A heated and angry debate, or rather altercation, immediately followed, conducted chiefly by Messrs. Porter and Young on one side, and Messrs. Wright, Clark, and Jones on the other. The committee of the whole, however, which had the subject under consideration, rose without at that time arriving at any decision.

On the 20th of January, Mr. Sands offered a concurrent resolution in the assembly, that the two houses on the next day proceed to elect a state printer. This resolution was laid on the table by the votes of all the whigs and a few of the democrats, among whom were Messrs. Dean, Sherwood, Stevenson, Watson, and Wells. There were 63 votes in the affirmative and 57 in the negative.

The bill in the senate was, after considerable angry discussion in committee of the whole, amended so that

the state officers should at the time and in the same manner as in that act was provided, issue proposals and receive sealed bids for the printing and publishing, once in each week, in a newspaper printed in Albany, of all notices then required by law to be published in the state paper, *at so much for each and every folio* contained in any notice; and that the state officers should award the printing of these notices to the lowest bidder. The bill repealed the act of 1843, and abolished the office of state printer.

The bill in this form was warmly and ably advocated by Mr. Croswell in the Argus as a great measure of reform. Indeed, upon general principles it was difficult to produce even a plausible objection against it, as it contained provisions that the most ample security should be given by the contractors for the faithful performance of their duty. It is true there were many party considerations which might have been urged against its adoption, but these considerations all know are better felt and suggested in secret conclave, than publicly avowed in the deliberations and discussions of grave legislative bodies.

When the committee of the whole rose and reported the bill, various attempts were made to amend it, but were effectually resisted by the combined vote of the whigs and hunkers. On its final passage there were 20 votes in favor of it, and 11 against it,—all the radicals voting in the negative, except Mr. Lester, who voted in the affirmative.

During the time this matter was being discussed in the senate, Mr. Sands made several ineffectual attempts to induce the assembly to consider the resolution he had offered for the election of state printer. This delay was undoubtedly caused by a desire of the majority that the

senate should act definitively on Mr. Wright's bill before the resolution should be sent to that house. A few minutes after the final passage of the bill in the senate, the resolution of Mr. Sands was taken from the table, adopted by a large majority, and sent to the senate probably before the senate's bill was delivered to the assembly. Mr. Clark, when the resolution of the assembly was announced, moved that its consideration be postponed until the first Tuesday of June. The adoption of Mr. Clark's motion was fiercely opposed, but it finally passed by a vote of 17 to 11.

When the printing bill came into the assembly it encountered a furious opposition. The discussions on the subject were long continued and extremely bitter. Many speeches were delivered, and much, quite too much, acrimony was evinced. During all this war of words the whigs preserved a most respectful silence ; but when any question was taken, every man of them voted against all proposed alterations of the bill as it came from the senate, and on the final passage, all voted in the affirmative. On that occasion there were 66 ayes and 53 noes. The bill became a law by the approval of Gov. Wright.

Mr. Croswell, one would suppose, under the influence of an inflexible and stern resolution, that no man should *profit* by opposing him, in connection with his worthy and excellent partner and relative, Mr. Sherman Croswell, delivered proposals to the comptroller to print the notices, of which we have spoken, free of charge, and to this day they are printing and publishing in the Albany Argus those notices, (and there are many of them,) without being paid a single cent for their materials, labor, or trouble.

A law was passed abolishing distress for rent, and fa-

cilitating the remedy by re-entry on lands for enforcing the payment of rent. This act was intended as a conciliatory measure towards the anti-renters, but indeed is right in itself. There can be no reason why a debt for rent should be held more sacred than any other debt, or why a creditor for rent should have a more speedy and better remedy for the collection of his debt than the man who loans money to his neighbor; but whether, where in leases executed before the passing of the act, it is expressly covenanted that the landlord may enter and distrain for rent in arrear, this law is not void by the constitution of the United States, may well be questioned.

On the 7th of March the speaker, Col. Crain, having occasion to be absent a few days, the appointment of a speaker *pro tem.* became necessary: and Mr. Bailey, the chairman of the committee of ways and means, was nominated in the house by Mr. Coe, a prominent whig member, to fill that station. None of Mr. Bailey's friends anticipated opposition to the motion, but Mr. Stevenson, a hunker member from the city of New York, rose and moved that the choice of a speaker *pro tem.* should be made by ballot, and his motion was adopted. The house then immediately proceeded to a ballot; and the result was,—Mr. A. G. Chatfield received 50 votes, Mr. Bailey 45, and Mr. Worden 3. This incident is so trifling that it would not deserve to be mentioned, did it not show the extreme bitterness which prevailed between the hunkers and radicals. Having mentioned it, however, we feel bound to add that the position occupied by Mr. Stevenson in relation to this transaction cannot be regarded as at all enviable. If he really believed he had good reasons to oppose the appointment of Mr. Bailey, he should have stated them openly, and suffered the question to be taken

on the resolution in an open, manly manner, by ayes and noes. The resort to a secret ballot was a kind of assassin-like policy instead of honorable warfare.

In the senate, on the 7th of April, an attempt was made to elect a president pro tem. Mr. Lott, who was in his last year of service, was proposed by his friends. The choice was to be made by open nomination. The result was 14 for Mr. Lott and 12 for Col. Young, and 2 scattering votes. Of course no person was appointed. In this case all the radicals voted against Mr. Lott. There could be no personal objections against Mr. Lott, who was distinguished for his courtesy towards his political opponents, and was, as we have reason to believe, highly esteemed by *all* his fellow-members. In this case, however, the opposition was not concealed, but open. Some time afterwards Col. Young was chosen president pro tem., and upon taking the chair, assured the senate that he had no agency in becoming the opposing candidate to Mr. Lott.

Thomas Farrington, the former treasurer, was during this session again chosen to that office. When elected, he was adjutant-general of the state: upon his being elected treasurer, he resigned the office of adjutant-general, and the governor appointed Robert E. Temple to fill the office thus vacated.

This was an excellent appointment. Col. Temple was a well-educated, enterprising, chivalrous young man, who had received a military education, and was universally popular. At this moment he commands a regiment, and is in the service of his country in some of the Mexican territories.

The term of Judge Parmelee as recorder of Albany, who was appointed by Gov. Seward, and was deserved-

ly one of his favorites, had expired, and thereupon the governor and senate appointed Col. James M'Kown his successor. Of Col. M'Kown we have spoken in a preceding volume.\* The Argus speaks in the following well-merited complimentary terms of the appointment of Mr. M'Kown, and also of his predecessor:

"Yesterday, the senate confirmed the nomination of Col. M'Kown to the office of recorder of this city. Col. M'Kown is thus restored to an office, the duties of which, for many years, he discharged with the clearest ability, and with conceded impartiality and integrity. The selection may be said to meet with universal approval. It is simple justice to say of the retiring magistrate, Mr. Recorder Parmelee, that he goes out with a high reputation for talents and official fidelity."

The office of circuit judge of the sixth circuit had become vacant by the resignation of Judge Monell, who was appointed to succeed Judge Sutherland as clerk of the Supreme Court at Geneva. The governor appointed Hiram Gray, of Elmira, the successor of Judge Monell. Although from his excellent social qualities, integrity, and impartiality, the people of the district regretted the retirement of Judge Monell, the appointment of Judge Gray was deservedly popular. He had been a member of congress from the district in which he resided, and sustained himself creditably in that station, and was a man of remarkable urbanity in his social intercourse, and a sound and able lawyer.

The governor and senate during this session made another excellent judicial appointment, which was that of Lewis H. Sanford as vice-chancellor in the city of New

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\* 1 Political History, p. 523.

York. He is a very learned man and an able judge. His appointment was hailed as a most fortunate and judicious one, not only by the bar of New York, but by the legal profession throughout the state.

Although Mr. Wright was complained of by the hunkers for leaning too much towards the radicals in the distribution of the state patronage, the highly important appointments just mentioned were certainly very judicious and beneficial to the community.

In concluding this chapter, it is with painful sensations we record the death of an old and valuable state officer. We allude to Jonas Earl, of Onondaga county, who for many years was a canal commissioner, and who had, we believe, been twice elected senator of this state. He died at Syracuse in October. A meeting of the bar of Syracuse was held on the occasion: Judge Pratt presided, and among other resolutions introduced by Mr. H. Baldwin, and adopted by the meeting, was the following:

“Resolved, That in the retrospect of the well-spent life of our friend, while we mourn his loss, we find much to assuage our sorrow and console our grief in his unblemished and spotless life—in the purity of his character as a citizen and as a man—in the scrupulous fidelity with which he discharged all the high and multiplied public trusts which, for a period of more than thirty consecutive years, were by his confiding fellow-citizens committed to his hands—in his safe and prudent counsel as a member of the legal profession, which he adorned—and in his devout and consistent bearing as a professed and humble follower of our blessed Lord and Saviour.”

We are sure all who knew Mr. Earl will admit that this eulogy was well merited.

## CHAPTER XXI.

## CONVENTION.

Place of birth of the Delegates—John Tracy elected President—A Committee of seventeen appointed to report on subjects to be considered by the Convention—Their Report—Debate on restricting the eligibility of citizens for the office of Governor—On the Executive Veto—On the Legislative Department—Report of the Judiciary Committee—Of the persons who composed that committee—Proceedings on Mr. Chatfield's Report No. 6, on the State Officers—On Gen. Tallmadge's Report, from No. 11, on Rights and Privileges—Proceedings in Committee of the Whole on the Report from the Judiciary Committee—Mr. Hoffman's Report on Canals, the Public Revenue, &c., from No. 3—Proceedings in Committee of the Whole on Mr. Hoffman's Report—Mr. Cambreling's Speech on Currency and Banking—Debate on the question of extending to colored freemen an equal Right of Suffrage—Mr. Clyde's Resolutions in relation to the Tenure of Real Estate—Final adjournment of the Convention—Concluding Remarks.

THE election of delegates to the constitutional convention in 1846, in most, if not all the counties in the state, was made a party question, and the democratic party succeeded in electing a majority of them. Messrs. Harris, Shaver, Stanton, and Willard, from Albany county, Jordan (though then residing in New York) and Clyde, from Columbia county, Waterbury and Burr, from Delaware county, and Van Schoonhoven, Warren, and Witbeck, from Rensselaer county, were nominated and supported by the anti-renters, and were claimed by that party as their representatives. Judge Nelson, from Otsego county, and William Maxwell, from Chemung, were democrats, but were elected in opposition to the regularly-nominated democratic candidates in the coun-

ties they respectively represented. It ought, however, to be stated, that both the democratic and whig parties seemed to have been impressed with the importance of selecting their ablest and best men to represent them in this assembly. We shall not undertake to designate the many distinguished individuals of which this body was composed. To allude by name to individual members, eminent for their talents and for their standing in society, might be deemed invidious. It must therefore suffice to say, that if we pass in review the whole body, they constituted an assemblage of men of great experience and weight of character, and highly distinguished for their talents, patriotism, and private and public virtues.

There was one, and but one, of the members of this convention who was a member of the convention of 1821. That member was Gen. JAMES TALLMADGE, from the county of Dutchess. It will be recollectcd that each county was entitled to the same ratio of representation in the convention as under the then existing constitution it had in the assembly. Of course the whole number of delegates was 128. Of this number 43 were farmers, 45 lawyers, 8 physicians, 12 merchants, 6 mechanics, 2 surveyors, 1 banker, 1 furnace-man, 1 dealer in paints, 1 blacksmith, 1 printer, 1 engineer, 1 miller, 1 manufacturer, 1 iron-master, 1 geologist, 1 teacher, and 1 author. Three of the delegates were natives of Ireland, one of Scotland, 12 of the state of Massachusetts, 13 of Connecticut, 6 of New Hampshire, 6 of Vermont, 3 of Rhode Island, 1 of Maine, 2 of Pennsylvania, 3 of New Jersey, 1 of North Carolina, 1 of Virginia, 1 of Maryland, and the residue, being 75, were born in the state of New York.

The convention assembled on the 1st day of June, and were called to order by Mr. Benton, the secretary of

state. On the roll being called, it appeared that all the members elected were present except three: these were Judge Nelson of Otsego, Mr. Porter of Saratoga, and Mr. Young of Wyoming, all of whom in a day or two after appeared and took their seats as delegates.

The democratic members had, previous to their meeting, held a caucus, at which Mr. John Tracy, of Chenango, formerly lieutenant-governor, had, with great unanimity, been nominated as their candidate for president, and upon balloting, after the house organized, it appeared that 69 votes were cast for him for that office, and he was thereupon declared duly elected. The whigs voted, some for one and some for another candidate: the highest vote given by them to any individual was 11, which were cast for Mr. Worden, of Ontario. The truth was, the whigs came to an understanding that they would not act as a party in this convention. They therefore wisely avoided any appearance of a party organization in choosing a president. This determination was, as afterwards appeared, not only judicious, as a measure of party policy, but the effect on the future action of the convention was auspicious. Had the whigs exhibited at the commencement of the session a party organization, by making a useless fight about the selection of a presiding officer, it probably would have aroused party prejudices and jealousies, which would have been developed in the course of the subsequent deliberations of the convention, and which could not have failed to produce results injurious to the great and permanent interests of community. Francis Starbuck, of Jefferson county, and Henry W. Strong, of Rensselaer county, late senator, were appointed secretaries. A few days afterwards, June 12, it was ascer-

tained that the services of an assistant-secretary were required, and Francis Seger of Lewis county, who had served several years as clerk of the assembly, and had been a member of the state senate, was put in nomination. The election of Mr. Seger was not effected until after three ballotings. The whigs were desirous of electing Mr. P. B. Prindle, the present worthy clerk of the assembly, and at the two first ballotings, he received more votes than Mr. Seger. At the third and last balloting Mr. S. obtained 55 and Mr. Prindle 53 votes. Still there was no choice, because no person had a majority of all the votes, whereupon Mr. Worden, a friend of Mr. Prindle, and a leading whig member, moved the appointment of Mr. Seger, and the convention unanimously concurred in the motion.

After the organization of the convention, by the appointment of its officers, one of its first movements was to adopt a resolution, on the motion of Mr. Jones, of New York, to "appoint a committee of seventeen (two from each senatorial district and one from the state at large) to consider and report to the convention the best practical mode of proceeding to a revision of the constitution of the state."

Such committee was appointed, who soon after reported fifteen resolutions, each embracing different and important subjects to be considered in the revision, and to be referred to separate committees. These resolutions were referred to the committee of the whole, and after being considered, the convention finally adopted eighteen resolutions, and the president thereupon appointed the following gentlemen on the committees, to consider and report on the subjects respectively referred :

1. *On the apportionment, election, tenure of office, and compensation of the legislature.*—Messrs. W. Taylor, R. Campbell, Salisbury, White, Burr, Sanford, W. B. Wright.
2. *On the powers and duties of the legislature, except as to matters otherwise referred.*—Messrs. Stetson, Powers, Miller, St. John, Harrison, J. J. Taylor, McNitt.
3. *On canals, internal improvements, public revenues and property, public debt, and the powers and duties of the legislature in reference thereto; and the restrictions, if any, proper to be imposed upon the action of the legislature in making donations from the public funds, and in making loans of the money or credit of the state.*—Messrs. Hoffman, Tilden, Gobhard, Hunter, W. H. Spencer, Greene, Richmond.
4. *On the elective franchise—the qualifications to vote and hold office.*—Messrs. Bouck, Gardner, Kennedy, Dodd, Dorlon, Wood, E. Huntington.
5. *On the election, tenure of office, compensation, powers, and duties (except the power to appoint or nominate to office) of the governor and lieutenant-governor.*—Messrs. Morris, Porter, Hyde, Kingsley, Penniman, Clark, Waterbury.
6. *On the election or appointment of all officers, other than legislative and judicial, and the governor and lieutenant-governor, whose duties and powers are not local, and their powers, duties, and compensation.*—Messrs. Chatfield, Perkins, Kemble, Strong, Nicholas, Danforth, Shaver.
7. *On the appointment or election of all officers whose powers and duties are local, and their tenure of office, powers, duties, and compensation.*—Messrs. Angel, Jones, Archer, Dubois, Maxwell, Hawley, Shaw.
8. *On the militia and military officers.*—Messrs. Ward, Chamberlain, McNeil, Bruce, Stanton, Kieran, A. Wright.
9. *On official oaths and affirmations; and the competency of witnesses, and oaths and affirmations in legal and equity proceedings.*—Messrs. Rhoades, Baker, Forsyth, Cornell, Brundage, Brayton, Hotchkiss.
10. *On the judiciary, and the appointment or election of judicial officers, and their tenure of office and compensation.*—Messrs. Ruggles, O'Conor, Kirkland, Brown, Jordan, Loomis, Worden, Simmons, Bascom, Hart, Stephens, Patterson, Sears.
11. *On the rights and privileges of the citizens of this state.*—Messrs. Tallmadge, Ayrault, Swackhamer, Parish, D. D. Campbell, Witbeck, Yanger.
12. *On education, common schools, and the appropriate funds.*—Messrs. Nicoll, Munro, Bowdish, A. W. Young, Tathill, Willard, Hunt.
13. *On future amendments and revisions of the constitution.*—Messrs. Marvin, Riker, Vache, Cook, Nells, Graham, J. Young.
14. *On the organization and powers of cities and incorporated villages, and especially their power of taxation, assessment, borrowing*

*money, contracting debts, and loaning their credit.*—Messrs. Murphy, Allen, Stow, Mann, Crooker, Van Schoonhoven, Sheldon.

15. *On the power of counties, towns, and other municipal corporations, except cities and incorporated villages, and especially their power of local legislation, taxation, assessment, borrowing money, and contracting debts.*—Messrs. Brown, R. Campbell, F. F. Backus, Smith, Taft, Flanders, Candee.

16. *On the currency and banking.*—Messrs Cambreling, Russell, Dordon, Townsend, E. Spencer, Cuddeback, Taggart.

17. *On incorporations other than banking or municipal.*—Messrs. Loomis, Shepard, Bergen, Dana, Connelly, H. Backus, Warren.

18. *On the creation and division of estates in lands.*—Messrs. Nelson, Harris, Flanders, Bull, A. Huntington, Hutchinson, Clyde.

Of the subjects thus referred, it will readily be perceived that the third, in relation to canals, internal improvements, public revenue and public debt; the sixth, on the election and appointment of officers; the tenth, on the judiciary; and the sixteenth, on the currency and banking, were the most important, and had most engaged the public attention.

Various other important matters were, on the motion of individual members, referred to the standing committees, according as the matter referred appeared to be analogous to the legitimate duties of the respective committees. Thus, Mr. Kirkland,\* of Oneida, on the 11th of June proposed the following resolutions:

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\* Mr. Kirkland is a lawyer of high standing and character in the city of Utica. Owing, partly to a division in the democratic party in the county of Oneida, but it is presumed chiefly to the personal regard felt for his talents, and confidence in his discretion and integrity, he obtained his election, although at that time the democratic majority in Oneida must have been more than one thousand. The great personal popularity of Mr. Henry Brayton, who was also a successful candidate on the same ticket with Mr. K., probably contributed to produce the result.

I take the present occasion to supply an omission in the second volume of my Political History. At page 511 of that volume it is stated, that at a whig caucus in the winter of 1839, held for the purpose of nominating an attorney-general, J. A. Spencer, S. Stevens, and Willis Hall were can-

"Resolved, That the judiciary committee be instructed to report an amendment to the constitution depriving judicial officers of all power of appointment to office.

"Resolved, That the judiciary committee be instructed to report an amendment to the constitution prohibiting all judicial officers, except justices of the peace, from receiving any fees or perquisites for official services.

"Resolved, That the judiciary committee be instructed to report an amendment to the constitution abolishing the Court for the Correction of Errors, as now organized."

Mr. Rhoades, the late senator from Onondaga, offered the following resolution, which was adopted :

"Resolved, That it be referred to the committee on the powers and duties of the legislature to inquire into the expediency of so amending the constitution as to require the passage of laws prohibiting any officer connected with the administration of justice in this state from aiding in the arrest or detention of any person claimed as a fugitive from slavery or involuntary servitude."

And Mr. Stephen Allen, from New York, brought forward a proposition to abolish that part of the constitution of 1821, which requires in any case the votes of two-thirds of the legislature in order to pass a law, except such bills as might be vetoed by the governor.

The first serious discussion which took place in the convention on the subject of alterations in the constitution, was that on the report of Mr. Morris on the executive department.

The constitution of 1821 provided that the governor should be a native citizen of the United States, a free-

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didates, and that each received a respectable support. I ought to have stated that Mr. Kirkland was also made a candidate by his friends for that important office, and that a respectable portion of the whig party were anxiously desirous for his appointment.

J. D. H.

holder, thirty years old, and should have been five years a resident of the state. The report proposed no alterations in relation to the qualifications of the governor, except that it expanded that part of the old constitution which required that he should be a freeholder. The first alteration of the report was proposed by Mr. Murphy, who moved to strike out the word "*native*." This motion brought up the question whether an adopted citizen should be eligible to the office of governor. The amendment was supported by Mr. Patterson, an able whig member from Chautauque, and the same gentleman who was speaker of the assembly in the year 1839-40.\* Other members took the same side of the question, and although Mr. Murphy's amendment encountered some opposition, it was adopted by a large majority. Mr. Patterson then moved to strike out that part of the section which required that the governor should be thirty years old; and finally, Mr. Russell, of St. Lawrence, moved to strike out the whole section, and insert in lieu of it the following:

"Any citizen of the United States qualified to vote at the general election at which he may be elected, shall be eligible to the office of governor."

This amendment, if adopted, it will be perceived, would abolish all restrictions except that of being a qualified voter. This called out a protracted and able debate, in which nearly all the floor members took part. In support of the proposition it was, among other things, urged, that the electors themselves were competent to judge of the qualifications of the candidate for governor, and that the whole matter should and ought to

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\* 2 Political History, pp. 504-519.

be left to their sovereign will and pleasure. That although it might be, and undoubtedly was, necessary to restrict the power, and place guards around the legislative, judicial, and executive departments of the government, composed of persons who were the mere agents of the people, and therefore liable, from incapacity, or from sinister or corrupt motives, to abuse the trust reposed in them, there could be no possible danger that the majority of the people at the polls of the election would prostitute the elective franchise by a sacrifice of their own rights or interests, or put either in jeopardy. Or if they did err, they alone were competent to, and ultimately would, correct the error. On the other hand, it was contended that the very object and intent of a written constitution was to adopt certain great and leading principles which should never be violated, and to fix certain limits over which the people themselves, in a moment of haste, of want of correct information, or of excited passion, could not pass.

This debate put in requisition all the speaking talent of the convention, and much ability was displayed during its progress. For Mr. Russell's amendment, O'Connor, Worden, Brown, of Orange, and Chatfield, delivered uncommonly able arguments; and against it, Simmons, Tallmadge, Jordan, and several others, distinguished themselves. One of the ablest arguments in support of the section, as reported by the committee, was made by Mr. Porter, of Saratoga, who was himself a member of the select committee. Mr. Porter is a young man, and we believe never was before a member of any legally constituted deliberative body.

Mr. Porter pointed out the distinction between personal rights and eligibility to office. Even the right to

be an elector was a conventional right, fixed and settled by a compact of the people when they formed their fundamental or organic laws. Had not the young man, aged twenty years and six months, as much natural right to have a voice in the choice of his rulers, as the young man of twenty-one years of age? Why had not females, especially those who hold property, a natural right to vote at the elections? Our constitution, ever since the organization of our civil government as a state, had designated the description of persons who should exercise the elective franchise. The convention not only represented those who elected them, but a million and a half of other people. "The right to be free," said Mr. Porter, "was a natural right. It was the right of every citizen to exercise his voice in the selection of his rulers, but it was not his right to be selected as one of the rulers.

"This question," said Mr. Porter, "was argued in a masterly manner the other day by the gentleman from New York, (Mr. O'Conor,) but he appealed to that distinguished man if he had not adopted a fallacy that was subversive of the whole. Says the gentleman, it is our right in convention to determine who the people are, by fixing their qualifications; and having determined who they are, you have no power to restrict them. But the electors are not the people; they are only part of the great whole. True, we were all of us elected to this body only by the qualified voters, but we are the representatives of all. Every man who voted for us was, in his turn, a representative of the people. The honorable gentleman from Albany, (Mr. Harris,) and the gentleman from Ontario, (Mr. Worden,) had told them that the people in convention assembled have no right to restrict any but delegated power. Why, the power of the electors is a delegated power by necessity of the social compact. This convention was elected by 450,000 men from amongst millions. Of these 450,000 exercising their right,

200,000 may be a plurality, and 200,000 then should possess unlimited power, without restriction, and exercise absolute dominion over 2,500,000 citizens. They had a bill of rights, and did that apply to the electors? No; every man, woman, and child in your dominions is under the protection of that bill of rights. They are the people, and we are their representatives. Each voter who voted for each of us, represented himself and five unqualified citizens. Is this no delegated power? Why, we have a female population of 1,293,000 in the state of New York—three times the whole electoral body; and their interest in this government is nearer and dearer than ours, for we are clothed with a mighty power through the ballot-box—we have strong arms to resist unto blood. But if the laws prove dangerous to liberty, the female population is useless, powerless, defenceless. Again, there are more under than over the age of 21, and they, too, have deeper interest than we have in the constitution we are about to frame. They are to answer us and the electors who send us here; if we sow the wind they are to reap the whirlwind. Now, we are constitutionally legislating for advancing millions—we are legislating for generations yet to come. It was not a mere party that nominated us. The voters elected us, but we represent the whole people of the state of New York—each sex, age, and condition, ay, and the succeeding millions whose constitutional rights we are now asserting, and around whom in advance we throw constitutional barriers for the security of their liberties. The *magna charta* that was extorted at Runnymede by Norman barons, was not for themselves alone, but for every citizen since born, and for every colony planted in the wilderness by their descendants, where it has burst in its growth through all colonial vassalage. Even our Declaration of Independence contains those doctrines of human rights which were first conceded, in the spirit of liberty, by *magna charta*. When, therefore, we enter into an elementary discussion, let us lay aside the spirit of the demagogue, and invoke a better spirit of patriotism, manly independence, and devotion to the great and permanent interest of the people."

Mr. Porter concluded his long and able speech in these words :

" Let those gentlemen who mounted the dappled hobby to run the race of popularity, take care lest they receive a fall. Let that man who is willing to overthrow the safeguards of popular liberty, great or small, beware lest he receive the popular condemnation. That man, whoever he may be, will find little favor with the electors of New York, when, in their name or otherwise, he is willing to destroy one of the barriers against partisan violence, to overthrow or strike down one of the safeguards of popular rights."

The debate on this single question occupied nearly the whole of twelve days, and the amendment was finally lost, and the section, as originally reported, retained, after striking out the word "*native*," by a vote of 56 to 41. In convention, the report of the committee of the whole on this section was sustained, 61 to 49.

The public felt very little interest in this question. No one apprehended any serious danger if the restriction on the eligibility to the gubernatorial office should be entirely removed, because no person could seriously apprehend that a man who was under thirty years old, or who had not resided in the state for five years, would in the course of centuries be presented as a candidate for governor. The people, therefore, thought the restriction would in practice be found useless, though they had no objection that it should be retained in the constitution. But the friends of constitutional reform, when they saw so much time spent in discussing a question comparatively of so little importance, did apprehend, with painful anxiety, that the time to which the session of the convention would be necessarily limited, would be consumed and wasted without the accomplishment of the great objects which brought into existence the con-

vention itself. Reflecting men, however, considered, that when so many talented men, most of whom are strangers to each other, meet together for the purpose of deliberating and deciding upon the principles of government which ought to be adopted, a rage for speaking, a sort of *cacoethes loquendi*, will prevail, and that some measure must be taken to let off the superabundant gas. This debate had that effect.

The next subject of much importance which engaged the attention of the convention was the consideration of the 14th section, reported by the committee. That section provided, that if the governor should not approve of a bill passed by both houses of the legislature, he should return the same with his objections: and unless upon reconsideration it should be passed by two-thirds of the members present, it should not become a law. This brought under the review of the convention the great question of the propriety of vesting the executive with what is called the veto power. The question was brought before the house by the following amendment, offered by Mr. Rhoades:

"Strike out all after the word *it*, at the end of the first sentence, and insert as follows:—'If, after such reconsideration, a majority of all the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of those voting for and against the bill be entered on the journal of each house respectively.'"

This was supported by the mover, Patterson, Penniman, O'Conor, and several others. Among the members who delivered speeches in favor of this amendment was

W. B. Wright, of Sullivan county, now a justice of the Supreme Court, who made an able, learned, and elaborate argument on the question. It was resisted by W. Taylor, Loomis, Brown, Stetson, and Stow, and others, who sustained, with great ability, the propriety of vesting in the governor the veto power.

In the committee of the whole the amendment of Mr. Rhoades was adopted; but when the report came into the house, upon calling the ayes and noes, the two-third clause was sustained by the strong vote of 61 to 36.

While the report of the committee on the executive department was under consideration, Mr. Mann, from New York, proposed a resolution that the vote of a majority of all the members *elected* should be necessary in order to pass *any* bill into a law. This very judicious resolution was adopted, and is now a part of the constitution.

The article on the subject of the executive department was finally completed by the convention on the 20th day of July.

On the next day the convention went into committee of the whole, on the report of the committee (called No. 1) on the legislative department. The first question considered was, Of what number should the senate consist? The select committee had reported in favor of the number fixed in 1800, and retained in the constitution of 1821, which was 32. Mr. Worden proposed to increase the number to 50. This proposition called out an able and interesting debate; but the convention, after rejecting propositions that the number of senators should be 48, 42, 40, 39, and 36, adopted, by a decided majority, the old number of 32.

The convention next had under consideration the

term for which a senator should hold his office. Four, three, and two years were proposed, but the period of two years was preferred by the strong vote of 80 to 23.

After this matter was disposed of, the question whether the senators should be elected from single districts, or whether two or more senators should be chosen from one district, was considered, which finally resolved itself into the question whether the state should be divided into 16 or 32 districts. Mr. Morris, of New York, made a speech of considerable length and great pungency, in favor of electing both the members of the senate and assembly from single districts, inasmuch as the single district system brought the elector and candidate nearer together, and in most cases would enable the former to judge, from his own personal knowledge, of the qualifications and merits of the latter. It would also, he contended, prevent sinister combinations for the nomination and election of a batch of candidates, to accomplish objects of which the real constituency were entirely ignorant. Morris, as reported by Messrs. S. Croswell and Sutton, said—

“He knew a young man being sent here from New York, whom they supposed there, when they were voting for him, that they were voting either for his uncle or his grandfather. They never discovered their mistake until the delegation got together, when they found they had elected a very clever boy of 21, instead of a man of experience.”

“Mr. Richmond: The mistake was not discovered until he came here to be sworn. I was here then.”

“Mr. Morris continued: ‘When a number of members were to be elected by the same constituency, these members must of necessity almost be unknown to the constituency; and they were selected for the purpose of performing other services than mere legislative duty. The time came round, for instance,

when a flour inspector, or a beef inspector, or a tobacco inspector was to be appointed. One wanted a judge, another, notary public, another, master in chancery, another, commissioner of deeds, and so on ; and they clubbed together, each man picked out his own friend, and, by a combination for office, and office alone, they packed your committees, controlled your conventions, made your nominations, and elected your delegates. It was this conduct which, so far as regarded New York, made them cry aloud for a convention ; and when they called, they called also for single districts, and they sent us all here instructed.'"

The convention finally resolved, by a vote of 79 to 31, that the senators should be elected from single districts.

The seventh section of the report of committee No. 1 was now taken up, which directed that the members of the assembly should also be chosen by single districts. This mode of electing the assembly was opposed by Chatfield and others, but a very considerable majority was found to be in favor it.

The section, as reported, directed that the legislature, at their next annual session, should divide the state into assembly districts. Cook, of Saratoga, proposed that the districts in counties entitled to more than one member, should be formed by the board of supervisors of the respective counties. This alteration was opposed by Swackhamer, Perkins, and Chatfield. Chatfield, in a brief speech of some warmth, alluded to party interests and party feeling. This was the first allusion to party considerations which had been made from any quarter, but the appeal was unsuccessful. Cook's amendment was carried by a majority of more than two to one.

The tenth section of this article, which next came up for consideration, was in these words :

"§ 10. No member of the legislature shall receive any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, or from the legislature, during the term for which he shall have been elected."

On the motion of Mr. Simmons, to strike out the words, "*or to the senate of the United States,*" a very interesting debate took place in relation to the power of the state to qualify or restrict the choice of senators of the United States, as being inconsistent with the constitution of the latter government, which elicited much profound thinking and learning. Simmons, Stow, Marvin, O'Conor, and Taggart, supported this amendment; and Stetson, Ruggles, Angel, Worden, and Jones, opposed it, as did also Gen. Tallmadge. Judge Ruggles' speech on this question is especially worthy of attention. The amendment of Mr. Simmon was, however, rejected by a large majority.

The report from the judiciary committee had been looked for with deep anxiety by the public at large as well as the convention. The inconveniences and delays in the administration of justice under the system adopted by the convention of 1821, had become nearly intolerable. All felt the need, and indeed we may say, the absolute necessity of great and radical alterations in the judicial department of the government, but as to what those alterations should be, and what should be the details of the new scheme, intelligent men differed widely. Almost every lawyer had formed his own plan of judiciary reform, which in some of its features differed from all others. Each of course had become attached to his own peculiar system. Hence after repeated trials, from year to year no one system could be devised which

could command even a constitutional majority of votes in the house of assembly. These unsuccessful efforts, and the desire of many to incorporate into the organic law the substance of the financial system adopted by the statute of 1842, were the principal causes which induced the legislature and the people to create a convention with unrestricted powers.

The selection by the president of the members to compose the judiciary committee, furnished a strong evidence of his wisdom and discretion. It was impossible to have chosen from that convention, or indeed any other deliberative body, thirteen men more competent to arrive at a result, beneficial and satisfactory to the public, than those chosen by Mr. Tracy on this occasion. O'Conor, Kirkland, Brown, Jordan, Worden, and Simmons, were learned lawyers of great eminence; Stetson had sustained a high reputation as a member of congress; Loomis was well known to the community as an able legislator, and as a man well versed in the theory of government, possessing a bold, enterprising, and acute mind; Bascom, from Seneca, a man of acknowledged talents, had been an early and able advocate for radical judicial reform, by the publication of a monthly periodical called "The Memorial," and by oral lectures and addresses delivered by him in various places; Patterson, in the course of this work, has frequently been mentioned as a man of uncommon intellectual power, and an able, clear-sighted, and patriotic legislator; Mr. Hart, a merchant of Oswego, and Mr. Sears, a farmer of Tompkins, were both of them respectable in their respective avocations, and estimable as citizens. The selection of the chairman was equally judicious and fortunate. We do not mean to write a

eulogy on Judge Ruggles. To say that during his long service in the judiciary department, he had afforded evidence of rigid impartiality, strict integrity, and great legal learning and talent, would be saying no more than what is universally known and acknowledged. But Mr. Ruggles possessed some other qualities, which fitted him in a peculiar manner for the position the president had assigned him. Few men ever lived who excelled him in prudence and caution. We may add, too, that his nice regard for the feelings of others, and his extreme modesty, extinguished all envy and jealousy among his fellow-members.

On the 1st day of August, Judge Ruggles, as chairman of the judiciary committee, made a report. It will be unnecessary to give the details of this important document, because it was substantially adopted by the convention, and now constitutes the sixth article of the constitution of the state.

Mr. Ruggles, on making his report, delivered a speech in which, without any attempt at display or ornament, he pointed out with great perspicuity the defects of the then existing judiciary establishment, and the general principles contained in his report, together with the grounds on which it was hoped that the plan he proposed, would, if approved by the convention and the people, provide adequate means for removing those defects.

One great question which had been agitated by lawyers, and considered by the committee, was, whether legal and equitable jurisdiction could, consistent with the correct administration of justice, be conferred on the same tribunal. On this subject Mr. Ruggles said—

“In regard to this union of the two courts there has been

a difference of opinion among the members of the committee. On the one hand it has been urged, with great force, that the perfection of skill, in learning as in the arts, is best attained by the division of labor; and that in the vast field of jurisprudence it would be better to class the laborers into separate departments, so that the skill and learning of each might be limited and directed to that one particular branch of duty for which he might be most eminently qualified. On the other hand, that system is supposed by some to be attended with the inconvenience of having too many tribunals. By others it is believed that by uniting the two tribunals in one, the modes of procedure at law and in equity, which now differ widely, may immediately by legal enactment, or more gradually by the action and practice of the court, be assimilated and finally blended, thus obliterating and abolishing the distinction between law and equity as heretofore recognised. Without coming to this conclusion, several of the committee, who were inclined to favor the continuance of separate courts, have regarded it as a question not of vital importance; and they have yielded their original preference for separate courts in favor of what they deem the greater advantages of the plan reported. The union of the two jurisdictions in the same court is not an untried experiment. It has the sanction of a number of the states; and, in part, of the judicial system of the United States. One of its advantages, in connection with the plan of the committee, arises from the greater facility and convenience with which the equity causes involving questions of fact, may be tried before a jury at the circuit in the county where the parties reside, and without the formality and expense of a separate court. One of the changes recommended by the committee, and which they all regard as highly important and useful, relates to the taking of testimony in equity causes. Heretofore it has been taken by deposition before an examiner in chancery, and not in open court. The examiner not being authorized to reject any testimony which either party proposes to take, the depositions are usually encumbered with a vast mass of matter immaterial to the questions in controversy. A great

proportion of the delay and expense of litigation in chancery arises from this cause. The committee recommend a provision directing the evidence to be taken before the judge on the trial, as in cases of common law. Although this is a matter within the power of the legislature, it has long been the subject of complaint, and the evil has remained without correction. The committee consider it so essential in the way of reform, and so material in relation to the operation of the system reported, that they deem it worthy of constitutional enactment. The justices of the Supreme Court, as proposed by the committee, are to be charged with the entire judicial business—legal and equitable, civil and criminal—which has heretofore been done by the Supreme Court, the Court of Chancery, and the county courts. The weight and burden of the business is considerably increased by the duty charged upon the judges of taking the testimony in equity cases in open court at the circuit. For these varied and extensive duties the number of judges of the Supreme Court must be large. The committee propose eight districts, and four judges in each district—thirty-two in the whole—of which number, however, four are to be judges of the Court of Appeals, leaving twenty-eight judges for the actual business of the Supreme Court. These judges are to hold as many general and special terms in each district, and as many Circuit Courts and courts of Oyer and Terminer in each county, as may be necessary. By the system thus proposed, the committee have endeavored to provide a remedy for the deficiencies of the present organization:—

“ 1st. By adapting the number of active judicial officers to the altered circumstances of the state, and to the quantity of work to be done.

“ 2d. By reducing the number of judges of the appellate court for its greater convenience and efficiency in the dispatch of business.

“ 3d. By separating that court from its connection with the legislative branch of the government.

“ 4th. By the reduction of the number of appeals in civil cases, consequent on the establishment of a single court.

"5th. By diminishing the delay and expense of litigation in the Court of Chancery, in the mode of taking evidence, and by providing a number of judges sufficient to dispatch the business of that court.

"6th. By establishing a branch of the court in each of the eight districts, so that the business may be done where it arises, without journeying to distant parts of the state for the hearing of causes.

"7th. By abolishing the system of circuit judges, and requiring their duty to be done by the judges of the Supreme Court.

"8th. By an inflexible rule that all judicial officers, above the grade of justices of the peace, shall be compensated by fixed salaries, and shall not receive fees or perquisites of office."

When Mr. Ruggles concluded his remarks, Mr. O'Conor produced a minority report, in which he offered a substitute for the article reported by the majority of the committee. Mr. O'C. objected to the plan proposed by Mr. Ruggles—

1. Because in his opinion the judges of the Supreme Court ought not to be elected by the people, but should be appointed by the senate and assembly.
2. Because by the plan of Mr. Ruggles, it was proposed to abolish the county courts.
3. Because he wished to preserve the unity of the Supreme Court; and the report of the majority of the committee recommended the creation of eight separate tribunals, each of which was to exercise the authority and the functions of a Supreme Court.

These and other objections against the majority report were urged by Mr. O'Conor with great skill and ability.

The report and speech of Mr. O'Conor were followed by the presentation by Mr. Kirkland of another minority

report. His scheme, like the others, proposed to abolish the existing Court for the Correction of Errors, and substitute a court of appeals, to consist of seven judges, three of whom should be elected by the people, and the remaining four be appointed by the governor, with the consent of the senate.

2. That the state should be divided into six districts, of which the city of New York should be one; that in each district there should be *a superior court*, to consist, in New York, of six judges, and in the other districts, of four; two of the judges in each district to be elected by the people, and the remaining judges to be appointed by the senate and assembly, by ballot. The judges to hold their offices for ten years.

3. Mr. Kirkland proposed to establish county courts in each county, to be composed of a first judge, who was to be *ex officio* surrogate, and an associate judge: both to be elected by the qualified electors. In each of the judicial districts he proposed there should be a circuit judge, (and in the city of New York four.) These judges were to be judges of the county court, and should singly hold courts for the trial of civil causes. In criminal cases the two county judges were to be associated with him. An appeal was to lie from the county court to the superior court of the district. Mr. K. proposed to confer on all these courts equitable as well as legal powers.

Notwithstanding these *projets* were before the convention, Mr. Bascom presented a fourth minority report. He said, that "however much he regretted the necessity of increasing the number of the reports from the judiciary committee, he would detain the convention with no other apology than to say, that a sense of duty

impelled him to submit another minority report. He objected particularly to that part of the report that sought to perpetuate exclusive chancery jurisdiction during the continuance of the constitution. Heretofore this jurisdiction had been created and continued by law, and would be by law limited or destroyed. He objected, too, to the mode proposed for the appointment of the judges. He objected also that the proposition of the committee does not distribute the sessions of the court sufficiently throughout the state, and that the plan only provides for a session of the court in each of the eight districts. He desired that bank sessions should be held in all or nearly all the counties in the state. He objected also to the power proposed to be given to the legislature, not only to increase the judges of the proposed courts, but to create and multiply inferior courts without limitation!"

Mr. Bascom proposed—

1. That the court for the trial of impeachments should consist of the senators and the judges of the Supreme Court, or the major part of them, whose term of office should be within two years, but not within one year of its expiration.

"§ 3. All other judicial power shall be vested in justices' courts, a supreme court, and in surrogates.

"§ 4. Justices of the peace shall be chosen by the electors in such districts, in such numbers and for such periods of time, and their powers, jurisdiction, and duties shall be such as are, or may be, prescribed by law.

"The supreme court shall have such powers and jurisdiction as shall be prescribed by law.

"There shall be thirty-two judges thereof, one of which shall be elected by the electors of each of the senate districts, at a special election, at which no other officer shall be chosen.

"The said judges shall hold their office for four years, except a part of those first to be chosen. Vacancies shall be filled at special elections to be ordered by the governor, and judges chosen to fill vacancies shall hold only for the unexpired term.

"§ 6. Four of the senate districts shall compose a judicial district, and the judges first to be chosen in a judicial district shall, at a time and place to be designated by the governor, meet and draw for terms, of one, two, three, and four years. The term of the judges chosen in the different judicial districts, shall commence in different months of the year.

"§ 7. There shall be a circuit session by one of the judges of the supreme court in each of the counties of the judicial district, as often as the judges thereof shall deem proper, for the trial by jury of all issues that may be joined in civil and criminal causes, and for the rendering of final judgments in criminal causes. For the trial and decision of criminal causes there shall be associated with the judge, the surrogate and one justice of the peace of the county, or, in the absence of the surrogate, two justices of the peace.

"§ 8. There shall be bank sessions of not less than three nor more than four judges of the supreme court in the several counties of the judicial districts, at such times and places as to the judges thereof shall seem proper, to review the decisions and proceedings of the circuit sessions, and to discharge such other duties, in relation to the administration of justice and the establishment of rights, as shall be prescribed by law.

"§ 9. There shall be appeal sessions composed of the judges whose term of office shall be within one year of its termination, in the several judicial districts of the state, at such times and places as shall be appointed by the said judges, unless said times and places shall be fixed by law, at which the decisions of the sessions in bank may be reviewed, and such other judicial powers exercised as shall be prescribed by law.

"§ 10. Surrogates of counties shall be chosen by the electors thereof, and shall hold their offices for four years.

"Their powers and jurisdiction over the estates of deceased persons and other matters, shall be such as are or may be prescribed by law.

"The legislature may provide that issues joined in any proceedings before surrogates may be tried at the circuit sessions, and that any of the proceedings of surrogates may be reviewed by the supreme court.

"§ 11. The clerks of the several counties of this state shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law.

"§ 12. A clerk of the appeal sessions shall be appointed by the judges thereof, who shall hold his office at the pleasure of the said judges, and shall receive such compensation as shall be prescribed by law.

"§ 13. The judges of the supreme court shall receive no fees or perquisites of office, other than a fixed salary; and any alteration thereof shall only affect those to be thereafter chosen; but an allowance for travelling expenses, in addition to a fixed salary, may be made to a judge required to discharge judicial duties without his judicial district."

Mr. Simmons said he should not offer a minority report, although there were some things in the report of the majority to which he could not yield his assent. He said he must however frankly "confess that the very beautiful speech of the chairman (Mr. Ruggles) had made it appear better to him than it did last evening."

The points on which Mr. S. differed from the committee, were—

1. He was opposed to the election of judges by the people, unless the term of holding office could be extended.

2. He was in favor of 32 judges, but desired a different organization of the Supreme Court.

3. He was opposed to blending law and equity, and

vesting the powers of both in the same tribunal. "He could not think it would be wise in us, in opposition to the declared opinions of every judge he had read of—from Lord Bacon down to Chancellor Kent and Judge Story—to amalgamate these two jurisdictions. He thought it highly dangerous to convert this standing army of judges into so many chancellors, with all the arbitrary power of that court."

Mr. Loomis said he concurred cordially in the main principles and leading features of the report, but he disapproved of the abolition of the county court; and he read three sections, which he said he should offer as an amendment. The material parts of these sections were ultimately adopted by the convention, and are now a part of the constitution. It is therefore unnecessary, at this time, to state in detail those sections.

Mr. Brown did not concur with Mr. Loomis. He thought the courts held by justices of the peace ought to be preserved as they then existed, and that the courts of common pleas ought to be abolished. The office of surrogate, in his judgment, should be continued and modified, so that the surrogate should have a fixed salary in lieu of perquisites, and that the proof of wills should be transferred to the Supreme Court. The number of judges of the Supreme Court, including the judges of the Court of Appeals, should be forty.

After making these suggestions, Mr. Brown sustained the leading principles of the report in an able and eloquent speech. It ought to be mentioned that Mr. Brown expressed a wish "that the terms of the Court of Appeals and the terms of the Supreme Court, should be justly distributed among the judicial districts by constitutional provision." "It was far easier and more appro-

priate," said Mr. Brown, "for the *courts to follow the people*, than for the *people to follow the courts*."

Mr. Worden, some five or six days after this, presented a fifth minority report. It contained eighteen sections, the substance of which is stated in the following brief but lucid speech delivered by Mr. Worden on that occasion :

"Mr. Worden briefly explained the provisions of his plan. He proposed to abolish the Court for the Correction of Errors, and to substitute in its place a court, to consist of a chief-justice and nine associate justices; abolish the Court of Chancery, and to substitute a court of equity, under the control of the legislature, to consist of not less than five judges. In regard to the Supreme Court, he proposed to make it consist of no less than nineteen judges, a chief-justice, and twelve associate justices, who shall be divided into four classes of three each. The first class, in which shall be the chief-justice, making a class of four judges, shall hold terms in bank for two years; the other nine justices to hold circuits and special terms for the hearing of non-enumerated motions, giving to the legislature power to convene any other of the classes to hold terms in bank wherever the business shall require it. He proposed to divide the state into five judicial districts, of which the city and county of New York shall be one, and to provide for the holding of circuit courts in each of the districts, for the trial of issues, to be held by one of the justices of the Supreme Court. The Courts of Oyer and Terminer to be held as they now are. The judicial districts, except that consisting of the city and county of New York, to be subdivided so as to make eight districts, for each of which there shall be a presiding judge; and in each county two county judges to be elected, who, with the president judge, shall constitute the Court of Common Pleas. He proposed so to form the system that the equity courts shall be remodelled, leaving, however, the difficult and delicate duty to the legislature to adopt the reforms that may become expedient. He proposed to abolish masters

and examiners in chancery, and to have all testimony taken before one of the judges of the court of equity, or the president judge of the common pleas, so that the vast expense of taking testimony may be done away; and leaving it to the legislature to provide by law for the decision of cases in chancery before a president judge of the common pleas, or any judge of that court. He would have the courts in the city of New York as they now are, leaving to the legislature power over those courts. For the purpose of disposing of the equity business of the city of New York, he proposed to leave it as it is, with two officers, who shall have the power which he proposed to confer on the presiding judges of the common pleas in the several districts. Such was briefly the plan he submitted. In regard to the election of judges, there were already two propositions before the convention, and he begged leave to say a word: The judicial power of the state was, in its nature and character, totally different from the legislative and executive. Its variance was essential from both of those departments. While both the legislature and the executive should respond freely to the public will, the judiciary was another branch of our government, by which individual rights were to be determined and settled on fundamental principles which cannot, or should not, change or alter, whether one man stand in opposition to the people, or the people in opposition to one man. In that consists the dignity, efficiency, and purity of the judiciary system. It must not, therefore, be made to depend on the caprice or fluctuation of either public or private opinion. He believed it was possible to frame a system for an elective judiciary on a safer and better plan than that reported by the majority of the committee, and hence he had not agreed to that precisely. He had now only to say, that the pole star to guide them was to have the judiciary independent, as far as possible, of the influence of any exciting questions that might arise in the other departments of the government, or amongst the people at large, so that individual and public rights may be settled on great and fundamental principles."

We have been the more particular in presenting to the reader the several projects of the members of the judiciary committee, because we think the community, and indeed that posterity, ought to be acquainted with the different opinions, formed after much reflection, of these learned and enlightened men, on the best means of securing a faithful, expeditious, and correct administration of justice in a free and highly commercial commonwealth.\*

Mr. Chatfield's report from No. 6, on the state officers, was then taken up by the convention, and it was adopted in nearly all its material parts. The first section of the article, as reported, fixed the salary of those officers. A motion was made by Mr. Marvin to strike out that part of the section which fixed the salaries. A long debate ensued, but his motion finally succeeded, 73 to 33.

Mr. Talmadge's report from No. 11, on rights and privileges, was, after the report from No. 6 was disposed of, considered, and the main features of it adopted. While in committee of the whole on rights and privileges, Mr. Danforth, of Jefferson county, offered as an amendment, the section from the old constitution

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\* The time allowed to the author for digesting the proceedings of the convention, as reported by Messrs. Croswell and Sutton, has been very short; and from the great variety of projects presented by the members of the judiciary committee, and the number and length of the speeches delivered, he has reason to be apprehensive that he may in some instances have mistaken, and, of course, misrepresented their views. He can only say, that if hereafter he shall be informed of any errors in his statements, or if he shall, upon a more critical examination, discover such errors, they shall promptly be corrected. To do full justice to the merits of the gentlemen who took part in this and other discussions, in this brief sketch of the proceedings of the convention, is quite out of the question.

commonly known as Gov. Jay's section, which declares clergymen ineligible to any office. It will be observed that the committee No. 11 had (as we think very properly) left this section out of their article. This amendment was opposed by Patterson, Salsbury, Taggart, and Young, and supported by Crooker and the mover. The proposition met with very little favor from the convention.

On the tenth day of August the convention went into committee of the whole on the report of the judiciary committee.

The majority report was assailed from various quarters, and efforts were made to change its features by amendments.

On the 11th of August, Mr. Jordan made an able argument in favor of the system proposed by the committee, as being on the whole most likely to receive the approbation of a majority of the convention, though the system did not in all respects meet his particular views. He however urged the necessity of yielding individual predilections as respected "minor points, for the general good."

He was followed by Mr. Kirkland, who commenced by exhibiting in bold relief the evils of the then existing system, and showing the absolute necessity of judicial reform. He then, with great ingenuity and ability, attempted to show the superiority of the plan he had submitted, over that proposed by the majority of the committee, and concluded a lengthy and highly interesting argument in a liberal and conciliatory spirit, in these words: "I will now, Mr. Chairman, close my remarks by saying, that I have no pride of opinion as to the plan I have presented. After mature reflection, I believe it

one in whose practical workings entire confidence may be placed. Whether rejected or adopted by the convention, my duty is discharged by presenting it."

Various other speeches were made for and against the majority report, and on the 18th of August Mr. Simmons concluded a long and learned argument, which had occupied several days, by proposing the following amendment—

"Resolved, That the report of the judiciary committee be so arranged that sixteen of the judges be arranged into four courts of general jurisdiction, one of which shall be a court of equity; each court to hold terms in bank, at least twice yearly, in each of the four districts of the state, to be composed of eight senatorial districts; and the other sixteen judges to compose four courts of local jurisdiction within a judicial district, one of which shall be a court of equity, which shall hold respectively a court two terms in bank yearly, in each of the said districts, and at different times and places from the other courts: the former courts to be entitled supreme courts, the latter superior courts; the judges of the former to be selected for sixteen years; of the latter, for eight years. The legislature shall have power to constitute such county, city, and town courts as may be deemed necessary; and to transfer such jurisdiction and powers from the equity to the common law courts, and from these to the former, and to prescribe such similar and common forms of proceeding and of remedies, as may be deemed practicable and expedient."

On the next day Mr. Crooker offered an amendment to the report of the judiciary committee, providing for the election of one county judge, and two justices of the peace who were to be his associates on the trial of criminal cases: the judge solely to hold a county court for the trial of civil causes, to perform the duties of the office of surrogate, to have appellate jurisdiction only, and to be compensated by an annual salary. This

amendment was finally adopted, and the substance of it is now a part of the constitution.

Mr. O'Conor said he "would preserve in all their strength and integrity our county courts, and elevate their character." In allusion to the scheme just mentioned and proposed by Mr. Crooker, which had been previously indicated by Mr. Loomis, Mr. O'Conor said: "The argument in favor of county courts had been found so powerful, that the enemies of it had been induced to give us one in name but not in substance—a kind of little county cormorant to eat up the justices' courts—a perambulatory sort of court\*—a kind of bull-frog, going about the county to devour the small frogs. It was to be a mongrel court, neither the old common pleas nor the general sessions, but a mixture of both, with some additions."

Mr. Jordan replied to Mr. O'Conor, and in the course of his speech took ground in favor of Mr. Crooker's amendment.

On the 25th day of August, the consideration of the report of the judiciary committee was taken from the committee of the whole. The first question decided was on the motion of Mr. Hart, that *all* the judges of the court of appeals should be elected by the people.

Mr. Chatfield in advocating this motion said—

"The court of appeals was the court of the people at large, and should be elected by the people at large. He was willing as a party man to take his chance in electing them. If the party opposed to him elected them all, he should say amen to it. If his own party succeeded he should be grati-

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\* The 14th section of Mr. Crooker's amendment provided that the county judge might hold his court at any place in the county which the convenience of the public might require.

fied. He was not one of those who would throw every thing valuable to his party out of the hands of that party. He wished it to be understood, that in desiring a general ticket system, he had an eye to the men to be elected. He had no concealments on the subject. He was not willing to concede that if the democratic party should carry all these judges, that therefore they would be the worst men in the state. He put himself on the open and manly ground in this matter. He avowed that in voting for this amendment, he acted on party considerations, and so did everybody else, disguise it as they might."

Mr. Harris, in reply, said—

"It was with some regret that he heard the remarks which had just fallen from the gentleman from Otsego, (Mr. Chatfield.) Mr. H. knew nothing which he admired more than to see a body of men like this, whose situation entitles them to influence and to take the lead in public affairs, rising superior to party influences, casting off party connections, forgetting party interests, and devoting themselves to the public good, rendering party objects subservient to the public welfare. He had, therefore, with some pride, seen the course which had hitherto been taken by this convention. From all quarters were heard congratulations that party lines had been disregarded, and that party interests had been forgotten, in our deliberations. It was with pain, then, that he had witnessed the attempt of the gentleman from Otsego to bring party interests to bear upon the question."

Mr. Hart's amendment was rejected by a vote of 71 to 24.

Mr. Harris and others took the ground that all the judges of the Court of Appeals should be taken from the judges of the Supreme Court who had the shortest term to serve, but this proposition was rejected by the convention by a majority of more than three to one.

Several other ineffectual attempts were made to amend or alter the second section of the article, which was that

relating to the Court of Appeals; but it soon appeared that a majority of the convention were determined to adopt it as it came from the judiciary committee. On the final vote 63 were given for and 43 against it.

On the motion of Mr. Murphy it was decided that the judges of the Supreme Court should be elected by single senatorial districts, 60 to 49; but Mr. Brown immediately moved to reconsider that vote, when the subject was fully canvassed, and Mr. Brown's motion succeeded by a majority of eight.

During these discussions upon the judiciary system, Mr. J. J. Taylor, of Tioga, proposed the following plan for the reorganization of justices' courts. It did not seem to attract much attention, but it is certainly ingenious, and ought to be preserved. These courts are every day becoming more and more important, and we cannot but think that something like Mr. Taylor's scheme will ultimately be adopted.

" 1. Abolish our present justices' courts.

" 2. Let the boards of supervisors divide each county into such a number of judicial districts that one man may be able to try all the causes, civil and criminal, cognizable before a justice within each district, say two or three to each member of assembly.

" 3. Elect one justice for each district, either by the electors of the county at large or by the voters in each district.

" 4. Let the clerk of each town be a clerk of the justices' courts.

" 5. Let the process be issued by the clerk, and issues be joined before him.

" 6. Let a list of the legal jurors in each town be kept by the clerk, and one or two days previous to the term let the clerk draw, and the constable summon twelve persons to attend, out of which jurors six may be drawn for each cause.

" 7. For the purpose of facilitating collections, allow a plain-

tiff in actions on contract, with the first process to have a de-  
fication served, and bill of particulars of his demand, and of  
the credits he is willing to allow the defendant; and unless the  
defendant put in a plea within six days, and swear to a de-  
fense, let judgment be entered by the clerk by default.

"8. Let the justice have power to set aside or correct judg-  
ments improperly entered by the clerk.

"9. Let a gross amount of justice's fees on each trial be  
paid by the plaintiff, and recoverable of the defendant, and  
let such fees be paid into the county treasury.

"10. Let each justice be paid a competent salary out of the  
county treasury.

"11. Let one or more justices be elected in each town as  
conservators of the peace, with power to issue warrants, and  
hold criminals to trial, &c."

The convention,—after providing that the legislature  
at their next session should appoint commissioners to  
form into a code, so far as such commissioners should  
deem practicable, the laws of this state—after, on the  
motion of Mr. Chatfield, adopting a clause directing that  
the same legislature should appoint commissioners to  
simplify the practice of the law in all our courts—after  
making provisions for the organization of courts of con-  
ciliation in pursuance of a resolution introduced by Mr.  
Kirkland, which was supported and earnestly urged by  
Mr. Stephens, the celebrated traveller, and by Mr. Bas-  
com—after adopting the plan of county courts intro-  
duced by Mr. Crooker—and after establishing, on the  
motion of Mr. Strong, of Monroe, a liberal rule for the  
admission of attorneys and counsellors to practice in all  
our courts,—on the 10th day of September adopted sub-  
stantially the judiciary system recommended by the se-  
lect committee, to whom that great and vitally important  
subject had been referred; a result highly creditable to  
that able and learned committee, and which, we trust,

will prove greatly beneficial to the people of the state of New York, and their posterity.

Mr. Hoffman, as chairman of committee No. 3, on canals, the public revenue, and the public debt, had, in the month of July, reported, first, "on the existing debts and liabilities of the state, and to provide for the payment thereof," substantially as follows:

1. The sum of \$1,500,000 to be annually applied to the interest and principal of the canal debt until that debt was paid.
2. The sum of \$672,500 to be paid yearly into the treasury for the use of the state.
3. The surplus revenue arising from the canals, after paying the expenses of the canals, and the two sums last mentioned, until such surplus shall amount to \$2,500,000, to be applied to the improvement of the Erie Canal in such manner as should be directed by law.
4. \$500,000, parcel of the sum of \$672,500, to constitute a sinking fund to pay the principal and interest of the general fund debt, including debts for loans of the state credit to railroad companies, &c., leaving the sum of \$172,500 to be applied to the payment of the annual current expenses of the government.
5. If the sinking funds, or either of them, should become insufficient to meet the demands of the creditors of the state, the legislature should by taxes so increase the revenue of said funds as to make them respectively sufficient perfectly to preserve the public faith.

On the subject of the power of the legislature to create future state debts and liabilities, Mr. Hoffman reported—

1. No money shall ever be paid out of the treasury except in pursuance of a law specifically appropri-

ating the same, and designating the object to which it is to be applied.

2. The credit of the state shall never be loaned.
3. The state may borrow, to meet contingencies, moneys, which, in the aggregate, shall not exceed one million dollars, and the moneys so borrowed shall be applied to the purposes for which they were obtained, and no other.
4. This restriction not to apply to money which it may be necessary to raise to repel invasion or suppress insurrection.
5. Except the debts specified in the third and fourth sections of this article, no debt shall be created without at the same time laying a *direct* annual tax, sufficient to pay the interest and redeem the principal in eighteen years; but no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of the votes cast at such election.

Afterwards Gov. Bouck proposed a substitute for Mr. Hoffman's scheme, and subsequently Mr. Ayrault presented a third project. These projects differed materially from that of Mr. Hoffman. They will be more particularly noticed hereafter.

As soon as the report of the judiciary committee was disposed of, on the 11th of September, the convention went into committee of the whole on the great questions involved in the report of the finance committee.

Mr. Hoflinan opened the debate. He first referred to the whole amount for which the state was indebted, and the items of which it was composed. He said—

"The debt in 1842 would be found to be as follows:—  
\$21,179,019 81 for the canals; the railroad debt was then

considered as contingent—but it never was so in regard to us. We were always bound to pay the whole amount. The only contingency was, whether the railroad companies would refund to the state. He was considered a panic-maker in 1841, because he considered this as a debt. This contingent debt was now \$1,713,000. The treasury debt, which was less than \$2,000,000 in 1842, was now swelled up to more than five millions and a half. This made the whole debt, in 1842, \$28,287,000. This debt, in consideration of the fact that we were a young and growing country, was a British debt in amount, in interest, and in its threatened results—the withering and blasting of all species of industry. He brought no complaint against the men who created this debt. Let others indulge in as much vituperation as they see fit. He should not interfere, nor attempt any apology for them. What, then, was this debt at the meeting of this convention? He quoted several documents to show that the canal debt stood thus:—Principal, \$17,516,119 57; interest, which must be paid before its extinguishment, \$8,379,838 33—making a total to be paid by the state, of \$25,895,957 90. Insolvent railroads, principal, \$3,515,700; interest, (as above,) \$2,933,165 37—total, \$6,448,865 37. General fund debt, \$2,369,849 24; interest, (as above,) \$870,296 87—total, \$3,240,142 11. Solvent railroads, principal, \$1,713,000; interest, (as above,) \$1,001,707 50—total, \$2,714,707 50. This would make a total, which the state must pay, of \$38,299,672 88."

Mr. H. next considered the means of the state of paying the interest and extinguishing the principal of this debt. Mr. Hoffman regarded the canal tolls as the principal source of revenue. "They were large, and would increase. They would doubtless reach a culminating point, and then *decline*." The salt duties he estimated at a mere trifle. "For the state of New York to hold on to the miserable pittance, looked like the veriest evidence of insolvency." He considered the salt tax as at an end. "The auction tax was equally unjust and unwise."

\* \* \* "He thought both the auction and salt duties would soon go to the tomb of the Capulets. He believed they were fast going the way of all the earth, and it might be thought unkind for him to hit them this kick to help them on their downward course."\* The only sources of revenue, then, were canal tolls on the one hand, and direct taxation on the other. He deprecated too great reliance on the revenue anticipated from tolls. The Welland Canal, and the contemplated eastern and southern railroads, would compete powerfully with our canals. Mr. Hoffman finally arrived at the conclusion, that the adoption of his system was absolutely necessary in order to preserve the credit of the state, and ultimately extinguish its debt.

The speech of Mr. Hoffman was unquestionably able, but whoever reads it will perceive a strong inclination in the speaker to present but one side of the question, and to magnify the liabilities, and depreciate the means and resources of the state. Thus, in stating the debt of the state, in order to make it amount to upwards of 38 millions, he includes \$12,183,260 57 of interest, *to accrue hereafter*, and also \$1,713,000, being the principal of loans of the credit of the state to railroad companies, which *he admits to be solvent*—to which he adds, \$1,001,707 50 of interest *to accrue hereafter*, making \$2,714,707 50, which, to say the least, according to his own admission, is a mere nominal debt. Add this last

\* From a statement made by the comptroller to the convention, it appeared that the salt duties paid into the canal fund amounted to.....\$2,055,458 06

Auction duties.....	3,592,039 05
	\$5,647,497 11

sum to the interest which *will be due* on the other state debts, unless the principal is paid sooner than Mr. H. anticipates, and the amount to be deducted from Mr. H.'s state debt of \$38,299,672 88, will be \$14,897,997 07, leaving the present debt, according to Mr. Hoffman's estimate, at \$23,401,675 81. The view which he presents of the probable future income from the canals, and from the salt and auction duties, is extremely restricted as to the amount, and less than what will probably be realized in almost any conceivable state of things which can hereafter occur. Mr. Hoffman ever since, and indeed before the year 1842, had thought much on this subject. The system now recommended by him was that shadowed forth by the act of 1842, which we have seen was in a great degree the child of his own mind, which he had powerfully aided to bring into existence, and which he had nurtured with great care and parental affection. Is it wonderful, strictly honest and greatly talented as all men admit that he is, that his zeal should have been great, not to say overmuch, to give immortality to this favorite offspring? Is it surprising, that in supporting his positions, that zeal should insensibly have induced him to exhibit more of the acuteness and skill of the ingenious lawyer, and less of the liberal views of the enlightened and far-seeing statesman?

Mr. Archer, from Wayne, a member who heretofore had taken little share in the debates, first replied to Mr. Hoffman, and, after modestly stating that he should not "attempt to cope with the Ajax Telamon" who had addressed the house, he urged, among other arguments, that the state had invested thirty-one millions in canals, nearly one-third of which was now wholly unproductive, and must remain so forever, unless the Erie Canal

should be widened, and the Genesee Valley and Black River canals completed. And he inquired whether it was wise to sacrifice all the moneys which had been expended in enlarging the Erie, and in constructing the Genesee Valley and Black River canals?

Mr. Angel, from Allegany, delivered a long and able argument on the same side of the question. He stated the real debt of the state to be, according to the comptroller's report, \$22,254,083 78. He presented a rapid but very encouraging view of the finances of the state; he insisted that the state was abundantly able to complete its public works; that the sooner that completion was accomplished, the better it would be for the state and for the people; and he presented, in bold relief, the claims of the southwestern counties to have the Genesee Valley Canal speedily constructed and put in operation.

In reply to Mr. Hoffman's remarks in relation to the ability of the state, Mr. Angel said:

"My friend from Herkimer has been many long years brooding over the dark side of this picture; he has been employed in calculating and compounding interest, and footing up millions; he has wandered so long among the mysteries of the comptroller's reports, that he has lost his balance, frightened himself, and now comes here to frighten others. Every thing appears dark and sombre to him. Sir," continued Mr. Angel, "I desire to invite the attention of the house to that side of the picture which the gentleman from Herkimer has kept out of view."

The fifth section, reported by the finance committee, provided that the claims of the state against incorporated companies should be enforced, and not be deferred, released, or compromised. Mr. Jordan moved to amend this section, by striking out the words "not deferred, released, or compromised;" and on this motion consider-

able discussion took place. In defence of the section, Mr. Hoflinan said—

“ When the enemies of the section proposed to amend, it was time to look after it. These corporations and corporate property seemed to have been held as something sacred. The artificial man that the legislature made had been constantly regarded and treated on a different principle from the natural man that God made. He had hoped that we had got over this partiality for the creature.”

The motion to amend, however, failed in the committee of the whole, as did also a motion by Mr. Marvin, to strike out the whole section.

On the next day (the 16th) Mr. Worden made a very eloquent and powerful speech against the restrictions contained in Mr. Hoflinan's report; in the course of which he asserted, that the trade which was based on the transportation on the canal, had, within twenty years, increased 600 per cent! And he alleged, that he had proved that the increase would be as great for twenty years to come. Our limits will not permit us to give even a skeleton of this argument.

Mr. Marvin, in reply to the allegation of Mr. Hoffman, that the income arising from the canals would increase until it arrived at its culminating point, and then would decline, said :

“ He believed the result would be very different. If it were not that he was not now disposed to detain the committee, he could demonstrate it. The topography of the whole globe presented no spot which could compare with the state of New York in the advantage of position. There was no portion of the United States where the great West could be successfully connected by water communication with the Atlantic, except where the Erie Canal passed the Allegany range of mountains, without going as far south as Georgia. He proceeded

to describe the country which must seek a market by means of the Erie Canal, embracing several of the western states, and urged the enlargement of the canal as the natural avenue of the commerce of those states."

Mr. Stow moved to amend the first section, so that it should read as follows:

"§ 1. After paying the expenses of collection, superintendence, and ordinary repairs, \$1,500,000 of the revenues of the state canals shall, in each fiscal year, and at that rate for a shorter period, commencing on the 1st day of June, 1846, be set apart as a sinking fund, to pay the interest and redeem the principal [of the state debt until the 1st day of July, 1856, after which, \$2,000,000 of said revenues shall continue to be applied or set apart annually] until the same shall be wholly paid: and the principal and income of the said sinking fund shall be sacredly applied to that purpose."

The matter proposed to be inserted is in brackets, and takes place of the words "of that part of the state debt called the canal debt, as it existed at the time aforesaid, and including \$300,000 then to be borrowed."

This motion Mr. Stow supported by a very ingenious and able argument, which evidently produced great effect upon the convention.

Discussions on the report of the finance committee continued to occupy the time of the convention for several days; and Mr. Loomis, Gov. Bouck, and Mr. Warden respectively, proposed amendments, tending to alter materially the plan as first reported by the select committee. The committee of the whole seem not to have arrived at any specific conclusion on the various projects submitted for their consideration, and on the 19th day of September they rose, and, in pursuance of a previous order, reported the first article as originally reported by the standing committee to the convention,

"and progress on the other, asking leave to sit again thereon." Whereupon Mr. Chatfield moved to discharge the committee of the whole from the second report, and the convention sustained his motion by a vote of 49 to 40. The whole subject was now, therefore, before the convention.

Mr. Loomis offered a substitute for Mr. Hoffman's first proposition, to the effect that \$1,300,000, instead of a million and a half, from the net proceeds of the canal tolls, should be set apart to pay the canal debt until the year 1855, and after that time, the sum of \$1,700,000 should be applied in the same way until the debt was paid. Gov. Bouck, who had offered a similar proposition, except that he proposed that the sinking fund should be \$100,000 less than Mr. Loomis, in a spirit of compromise, and with a view, as he said, to produce more harmony, withdrew his amendment.\*

Mr. Ayrault, from Livingston county, made a very brief but able speech in opposition to Mr. Loomis's substitute, in which he insisted that provision ought to be made for finishing the Genesee Valley and Black River canals, as well as for providing for the completion of the enlargement of the Erie Canal. He presented his plan, which would extinguish a debt of \$22,300,000 in twenty-three years, or a debt of \$25,000,000 in twenty-eight years. All agreed that a period ought to be fixed for the final extinction of the public debt; but some desired

\* Without any positive knowledge on the subject, we infer that Mr. Hoffman had ascertained that his plan, in all its details, would not command the support of the majority of the convention, and that his friend and colleague, Mr. Loomis, with the approbation and request of Mr. H., proposed his substitute as less stringent than Mr. Hoffman's scheme, and therefore more likely to succeed.

to fix on a shorter, and others a longer time, for the accomplishment of that object. The question, therefore, resolved itself into one of *time*, and whether the surplus revenue should be applied to the finishing of the Black River and Genesee Valley canals, as well as to improving the Erie Canal.

The first section of Mr. Loomis's substitute was carried, 87 to 26.

The second section of the substitute provided that \$350,000, instead of \$672,500, from the surplus revenue, should annually be paid into the treasury, until the canal debt should be paid, and then the sum of \$1,500,000 should be paid yearly, from such revenue, until the general fund debt and other liabilities of the state should be discharged. This section was also adopted by the strong vote of 89 to 22.

The next question was on the following section of Mr. Loomis's substitute—

“§ 3. The surplus revenues of the canals, after complying with the provisions of the two last preceding sections, shall be appropriated, at the discretion of the legislature, to defray the ordinary expenses of government, and for other purposes; but no law shall be passed appropriating or pledging for the construction or improvement of any canal or railroad, any part of such revenues, beyond those of the year current, at the time of passing such law.”

Mr. Bouck offered the following substitute for the proposition of Mr. Loomis—

“The sum of \$172,000 shall be annually applied to pay any deficit which may occur in fixing the revenue of the general fund to meet the expenses of the government; the remainder of the canal revenue shall be appropriated to the enlargement of the Erie Canal, and the completion of the Genesee Valley and Black River canals, until the same are

completed. After the payment of the public debt, \$672,000 shall be annually appropriated from the canal revenues to the general fund, to meet the expenses of the government."

Several amendments to Mr. Bouck's substitute were proposed and lost, but when the question on the substitute was taken, it was lost, there being 54 for and 60 against it. A vote was then taken, by the aid of the previous question, on the third section of Mr. Loomis's substitute, and it was *rejected* by a majority of 8 votes.

In the evening session of the same day, Mr. Russell offered a resolution of instruction to the committee on finance, as follows—

"Resolved, That the committee on finance be instructed to report forthwith the following as section 3d of the first article reported by the committee—

"§ 3. After complying with the provisions of the two last preceding sections, the surplus revenues of the canals, until the 1st of June, 1856, shall be appropriated as follows: The sum of \$200,000 annually, to defray the ordinary expenses of government, and the remainder to the improvement or completion of the canals, and after the time mentioned in this section, to such purposes as the legislature may direct."

Mr. Murphy moved the previous question.

Mr. White desired to move an amendment.

Mr. Murphy withdrew his motion.

Mr. White offered his amendment as follows, and renewed the motion for the previous question—

"After paying the said expenses of superintendence and repairs of the said canals, and the sums appropriated by the 1st and 2d sections of this article, there shall be paid out of the surplus revenues of the canals to the treasury of the state, on or before the 30th of September in each year, for the use and benefit of the general fund, such sum, not exceeding \$200,000, as may be required to defray the necessary ex-

penses of the state; and the remainder of the revenues of the said canals shall, in each fiscal year, be appropriated, in such manner as the legislature shall direct, to the completion of the Erie Canal enlargement, and the Genesee Valley and Black River canals, until the said canals and improvements shall be completed."

Various unsuccessful attempts to alter and modify these propositions were made, but the resolution of Mr. Russell as amended by Mr. White was finally adopted, 64 to 52.

The remaining sections of the first article reported by the finance committee were then agreed to by the convention, without material alteration, with great unanimity.

The convention then proceeded to action on the second article reported by the finance committee.

The first section was adopted without alteration; and the second section, which prohibited the state from loaning its credit to individuals or corporations, was agreed to unanimously.

The third section limited the state, in the creation of debts, to \$1,000,000, which was only to be tolerated in cases of failure of revenue, or for expenses not provided for; and the loans thus made were to be applied to the purposes for which they were made, and none other. This was adopted by the convention without a division.

The fourth section authorized the state to contract debts to repel invasion, &c., which was also agreed to without opposition.

The fifth section declared that no debts, except such as were provided for in the third and fourth sections, should be created, without at the same time laying a *direct* tax, sufficient to pay the interest and principal

thereof in eighteen years, and for a single object, which object should be specified in the act which authorized the contraction of such debt. Such law not to be of any binding force until it should be submitted to the people, and be approved by a majority of the voters at a general election. After the approval of the law by the people, the legislature might, at any time before the debt was incurred, forbid the contracting of any further debt, but the tax imposed by such law should remain unrepealable until the debts contracted under it should be paid. Only *one law* of this description should be submitted to the people at the same election.

A vigorous opposition was made to this section. Mr. Worden and Mr. Simmons spoke with much warmth against it, but it was carried by a vote of 70 to 36, and this important section has become a part of our constitution.

The 6th section was next read as follows—

“§ 6. Every law which imposes, continues, or revives a tax, shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.”

Mr. Chatfield offered an additional section, providing that no direct tax should be levied as long as the revenue of the state should be sufficient to meet the demands of the several sinking funds, and pay the debts, as provided for in the preceding article, and the expenses of the state government. Mr. C. said he had drawn up this because he did not think it was the policy of this state for the next twenty or thirty years, to impose direct taxes, especially when the revenues of the state would be sufficient for every purpose. He quoted

from the comptroller's report to show what the contemplated revenues and expenditures would be.

Mr. White and Mr. W. Taylor severally offered amendments to Mr. Chatfield's amendment, which, as well as Mr. Chatfield's amendment, were all negatived.

Mr. St. John proposed the following additional section to the report of the finance committee—

“§ —. The provision contained in section 3 of the next preceding article, for the disposition of the canal revenues, shall continue in force until the first day of January, 1850, and after that time the whole of the ordinary expenses of the state government, except such portions thereof as shall be provided for by other means than by a direct tax, shall be paid from the said canal revenues; and no direct tax shall thereafter be levied upon the people of this state, to pay the whole or any portion of such expense, unless there shall be a deficiency in the said canal revenues to pay the same, after complying with the provisions of sections 1 and 2 of the said article.”

Mr. Russell moved to substitute the section laid on the table by Mr. W. Taylor, as follows—

“§ —. If at any time after the period of five years from the adoption of this constitution, the revenues of the state unappropriated by the last preceding article, shall not be sufficient to defray the necessary expenses of the government, without continuing or laying a direct tax, the legislature may, at its discretion, supply the deficiency, in whole or in part, from the surplus revenues of the canals, after complying with the provisions of the first two sections of the last preceding article, for paying the interest and extinguishing the principal of the canal and general fund debt; but the sum thus appropriated from the surplus revenues of the canals shall not exceed annually \$350,000, including the sum of \$200,000 provided by the 3d section of the last preceding article, for the expenses of the government, until the general fund debt shall

be extinguished, or until the Erie Canal enlargement and Genesee Valley and Black River canals shall be completed; and after that debt shall be paid, or the said canals shall be completed, then the sum of \$672,500, or so much thereof as shall be necessary, may be annually appropriated to defray the expenses of government."

The substitute of Mr. Taylor was opposed, as wrong in itself, and as inconsistent with principles already settled by the convention. A debate which produced considerable excitement ensued, but the substitute of Mr. Taylor, as proposed by Mr. Russell, was adopted, ayes 76, noes 34; and finally the section as amended was carried, by a vote of 58 to 50. We perceive Mr. St. John, a very clear-headed and judicious member, voted both against the substitute and the section as modified by it.

The seventh section of the second article reported by the finance committee, which requires three-fifths of all the members elected to the legislature, to constitute a quorum, in order to pass any law which continues or revives a tax, or makes any appropriation, discharges any debt, &c., was agreed to unanimously.

The article having been finished, and the debates on it terminated, Mr. Hoffman rose and said—

"The convention, after a labored effort, had got through with these two articles. Taken together, they would preserve your faith—they would pay your debt. They might not be entirely satisfactory to any one member, but they would produce this result. They would do more. They would set an example, if the convention would adhere to it, that would cause every state in this Union, as soon as it should be in the power of such states to do so, to provide for and sponge out its debts by payment, thus removing from representative government the reproaches cast on it on the other side of the water. To this extent had this convention come, and if its labors should

be repudiated by the state, nothing could keep down the judgment you had pronounced on this important subject. It would live. It would go down with time itself, until time should mingle with eternity. He predicted that our labors had overcome the greatest disgrace ever attempted to be cast on free institutions. And if you would go on, and fix the individual liability of the banker, compel corporations to be formed under general laws, and guard the power of municipal corporations to make debts, you would have achieved what would bring you that which you had not had for a quarter of a century—a legislature in these halls. He moved that this article be laid aside and printed."

This eloquent peroration of Mr. Hoffman was followed by some appropriate and judicious remarks of Mr. Worden, which concluded the labors of the convention on this great and vitally important question.

The convention then, without going into committee of the whole, proceeded to consider and decide on the reports of the committee on currency and banking, on corporations other than banking and municipal corporations, on local officers, on rights and privileges, on education and common schools, on future amendments to the constitution, and on the creation and division of estates in lands.

To give even a skeleton of the discussions on these various subjects would greatly exceed the limits prescribed to this work. We must, therefore, confine ourselves to a mere allusion to some of the most prominent questions which occupied the attention of the convention, remarking in passing, that on the 28th of September, Mr. Stow, a talented and efficient member from Erie, who, we believe, had not before been a member of any legislative assembly, but whose father was long a distinguished member of congress from the county of

Lewis, offered for the consideration of the convention the following sections to be added to the fourth article:—

“§ —. An elector owning a freehold, or having an unexpired term of not less than twenty-one years in a leasehold, (now existing,) may, by an instrument executed by him, declare that he intends to exempt from incumbrances for debt the property described in such instrument—the value of such property shall not be less than one thousand dollars.

“§ —. The value of the property mentioned in the last section shall be ascertained by the assessors of the town or ward in which it shall be situated; who shall make a certificate of their appraisal. Such instrument and such certificate shall be acknowledged, or proved in the manner entitling a deed to be recorded, and shall be recorded in the clerk’s office of the county in which the property is situated; and notice of such record shall be published in such manner and for such time as shall be prescribed by law, after such record; and after notice thereof shall have been duly published, such property shall not be incumbered by, or for, any debt created or contracted by such elector. This privilege shall not enable an elector to hold more than one piece of property thus exempt at the same time; and such exemption shall cease whenever he shall cease to be a resident of this state.”

This proposition does not seem to have excited much attention in the convention; but we hope we shall be pardoned if we predict that it will hereafter constitute a grave and important subject of legislation.

On the subject of the currency and banking, we can only refer the reader to an elaborate, learned, and able speech, delivered by Mr. Cambreling, which will be found reported at large in the reports of the debates in the convention by S. Croswell & Sutton, commencing at page 755.

On the subject of the elective franchise, the first section

reported by the select committee was in the following words:—

“§ 1. Every white male citizen of the age of twenty-one years, who shall have been a citizen for sixty days, and an inhabitant of this state one year next preceding any election, and for the last six months a resident of the county where he may offer his vote, shall be entitled to vote at such election, in the election district of which he shall have been an actual resident during the last preceding sixty days, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people.”

Mr. Bruce, of Madison county, moved to strike out from the first line the word “*white*.” This motion put in issue the great question whether colored citizens should be placed on an equality with the whites, as respects the right of suffrage. Messrs. Burr, Bruce, Strong, A. W. Young, Rhoades, Waterbury, Simmons, and others supported the amendment, which was opposed by Messrs. W. Taylor, Russell, Kennedy, Stow, Perkins, and others. We cannot give even a sketch of the arguments on this question.

During the progress of the discussion Mr. Kirkland offered a proposition, which he said he believed would enable the convention to decide upon this question with a great deal of unanimity. There were few gentlemen, he believed, who desired to deprive the colored population of their natural rights, while there were many who doubted the propriety of at once admitting them to share with white citizens the benefits of the elective franchise. His proposition was, to save to the colored people the same privileges which they now possess, and also to submit to the people the question of allowing them to enjoy the elective franchise. He said he would present his plan in form in due season.

This amendment or substitute, it will be perceived, involved the questions whether *all* colored men should not be excluded from the right of suffrage, and whether the electors of the state should not be permitted to decide by their votes whether the colored citizens should not possess an equal right of suffrage with the whites. Those who voted against it, therefore, not only declared themselves against submitting the decision of the latter question to the people, but in favor of excluding a colored man, whatever might be his wealth or moral worth, from the privilege of voting, *because he was not a white man.*

The following are the ayes and noes on Mr. Kirkland's amendment:—

AYES—Messrs. Allen, Archer, Ayrault, F. F. Backus, H. Backus, Baker, Bascom, Bergen, Bowdish, Bruce, Bull, Burr, R. Campbell, Candee, Cook, Crooker, Dana, Dodd, Graham, Greene, Harrison, Hart, Hawley, Hoffman, Hotchkiss, E. Huntington, Hutchinson, Kemble, Kieran, Kingsley, Kirkland, Marvin, Maxwell, Miller, Munro, Nellis, Nicholas, Parish, Patterson, Peniman, Porter, Rhoades, Richmond, Ruggles, St. John, Shaver, Simmons, E. Spencer, W. H. Spencer, Stanton, Stow, Strong, Taggart, Tallmadge, Tuthill, Ward, Warren, Waterbury, Worden, A. Wright, W. B. Wright, Young—63.

NOES—Messrs. Brown, Brundage, Clark, Conely, Cornell, Cuddeback, Danforth, Dorlon, Dubois, Hunt, A. Huntington, Jones, Kennedy, Mann, McNeil, Morris, Nicoll, O'Conor, Perkins, President, Riker, Russell, Sandford, Sheldon, Stephens, Swackhamer, J. J. Taylor, Tilden, Townsend, Wood, Yawger, Youngs—32.

It is painful to perceive, among the names of those who voted in the negative, that of the talented, enlarged, and liberal-minded Brown, of Orange, as well as that of the eloquent, amiable, and benevolent O'Conor, of

New York, both of whom, we believe, are natives of a foreign country.

We wish we could present the arguments on this question, even in an abbreviated form, as some views were exhibited, which, if not interesting, at least were curious. Mr. Perkins, for instance, a native of New England, and a democrat, attempted to prove from the Bible that the negroes were an inferior race, "*marked*" as such by the Almighty Creator, and *therefore* that they ought not to enjoy the right of suffrage.\*

It would seem that Mr. Perkins was very partial to this view of the question and this train of reasoning, as leading to a satisfactory conclusion in respect to the propriety of extending the elective franchise to the black man; for a few days afterwards, in settling the question as to the time of residence of white voters in the town or ward where they gave their vote, Mr. Perkins, who contended for the shortest period, reproached those who desired to fix a longer term of residence of "white voters" than he thought necessary, with having lately manifested an anxiety "to let in a class of colored persons, whose degradation and vices decreased their numbers annually."

"It was," he said, "the destiny of the race to occupy an inferior social position to the white. It was the latent decree of the Almighty, and nothing could change it. Mr. P. laid it down as the economy of Providence, that there should be separate races and grades of beings on the earth. He asserted that the great offence which brought the flood on the earth was the intercourse between the sons of God and the daughters of men—the intercourse of one race with another that God had separated. When they commingled, he separated

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\* See his speech, C. & S. Debates, p. 789.

them again. A century after the dispersion at Babel, profane history showed that this black race existed, with all the characteristics that now marked them. That climate should have done this was impossible. This mark was put on them as a warning that other nations should not commingle with them."

Mr. Perkins went on to say that "subsequently, when the Jews intermingled with other nations, it was called whoredom, and was denounced by God. You could not admit the blacks to a participation in the government of the country, unless you put them on terms of social equality with us, and that could only be done by degrading our own race to a level with them."

This *reasoning* of Mr. Perkins was ridiculed with some severity by Messrs. Simmons, Dana, Crooker, Patterson, and even by Mr. Stow, who had made a very able, candid, and ingenious argument against admitting colored persons to an equal right of suffrage.\*

On the 1st of October, Mr. Clyde offered the following resolutions:

"Resolved, That the select committee, to whom is referred the revision of the several articles adopted by the convention, be instructed to report the following as an additional article:

"§ 1. All feudal tenures of every description, with all their incidents, are abolished.

"§ 2. No lease or grant of agricultural land for a longer period than ten years hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

"§ 3. All covenants or conditions in any grant of land whereby the right of the grantee to alien is in any manner restrained, and all fines, quarter sales, and other charges upon alienation reserved, in every grant of land hereafter to be made, shall be void."

Messrs. Jordan and Clyde, the former a whig and the latter a democrat, were the nominees of the anti-rent

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\* See Debates in the Convention by C. & S., p. 787.

party in the county of Columbia. On the 3d of October, Mr. Clyde delivered a speech in support of the principles contained in these resolutions. In that speech Mr. Clyde gives, as we presume, a summary of the views and doctrines maintained by the sober and well-informed portion of the anti-rent party. We shall therefore present the reader with an abbreviation of it, though the brevity to which we are restricted will by no means do justice to the speaker, who certainly acquitted himself in a manner highly creditable.

Mr. Clyde, after adverting to the fact that he was a resident of one of the counties which had manifested a lively interest in the fate of the proposition now before the convention, and which had been deeply convulsed, and severely taxed by consequences growing out of the system which that proposition was intended to remove, said—

"I am fully aware that at the mention of grievances endured by the manorial tenants, or rather of the whole community in which they are located, a sneer of incredulity and scorn naturally exhibits itself on many faces. 'What?' asks an opponent, 'do you pretend here to maintain that this tenantry is *really* aggrieved and wronged?' Yes, sir, that is my position. 'But have they not agreed to pay the rents demanded of them?' Yes, sir; and so do the victims of usury agree to pay the exorbitant interest exacted of them—which the state and the law say they shall not pay; so did some of the tenantry on the great feudal estates of France agree that the chastity of their daughters should be among the '*first fruits*' reserved to the use of the lord of the soil.

"The question here, however, is not what a class of poor and ignorant men of bygone generations agreed to do, but what the men of the present day *ought* to do—what the state should compel them in future to do. I maintain that most of the rights so called, of the landlords of these manors, origina-

ted in power and craft, if not by fraud, on the one side, and ignorance and simplicity on the other, and that they have now no such rightful existence as should entitle their holders to overrule the just and true policy of the state."

Mr. Clyde then proceeded to point out the evils which perpetuating this system of tenancy in a republican government necessarily produced. The first was, "two radically different classes in society :" a numerous class subsisting meagerly on a part of the proceeds of their own labor, and a smaller and superior class living idly and sumptuously on the proceeds of the toil of others.

"This, sir," said Mr. C., "is no casual difference of circumstances that we are now considering, but a fixed and enduring disparity of condition, which several generations have experienced. Who does not see that its direct tendency is to create and perpetuate class distinctions and class interests, incompatible with the pure and high spirit of republican freedom? And yet this system, blighting as it is to the interests of individuals and community, is sanctioned, and either loudly or secretly praised, by some who boast long and loud of their democracy!"

"Sir, read one of these manor leases, and note how skilfully, cunningly devised, appears every requisition to make the tenant class directly and sensibly the inferiors—mere serfs and vassals, hewers of wood and drawers of water. The restrictions on the right of alienation—the reservations of wood, water, minerals, mill-streams, and privileges—the quarter-sale, the two fat fowls, and day's labor drawing manure—the covenants requiring the tenant to go to the landlord's mill on pain of forfeiting his whole estate—also to trade at his landlord's store on pain of forfeiting his whole estate—and the thousand and one other little, mean, degrading covenants, a violation of *any one* of which by the tenant, works a forfeiture of the whole estate."

Mr. Clyde insisted that contracts of this kind, and the holding estates subject to such conditions, were incon-

sistent with the genius of our government, and that the true policy was to discountenance them. The section he proposed as a part of our constitutional law, was in accordance with that policy. Mr. Clyde then rapidly glanced at the distressed condition of the tenantry of England, which he painted in vivid colors.

"And who," said he, "shall say that the spectacle now afforded by Great Britain conveys no admonition to us?" \* \* \*

"Sir, many of my immediate constituents, and thousands of others in our state, groaning under the chains forged by this blistering system, are looking to this convention for some relief. They ask for nothing that is wrong—they ask you to violate no just contract—to destroy no vested rights. They ask you to engrave upon the constitution of your state the proposition now before us, which will prevent this curse in future, and will be the means of wearing out and destroying in time the present existing evil. Shall this down-trodden and oppressed people ask in vain? It appears to me that every man who loves his country, and desires the peace and prosperity of the state—who is a republican in principle and practice as well as in name, will rejoice to see the proposition before us adopted." \* \* \*

"I would not have gentlemen on this floor fall into the mistake of fancying the abuses I would guard against, merely local and temporary subjects of excitement—an excitement which a few more months will efface, without applying the proper remedy. Much, very much, growing out of the excitement of the past is to be deeply regretted and deplored, and none regret and deplore it more than the great mass of tenants; they have never encouraged the violation of law and order—they have never asked or wished for any thing wrong or unjust—they are honest and industrious, and feel a deep interest in the prosperity of the state, and all they have ever asked or wished for is just and equal laws, and equal rights. I know, sir, that by some who are directly or indirectly interested, they are charged with every thing that is wrong; and I

also as well know, that their motives have been impugned—their principles have been misrepresented, and they have been most grossly slandered and libelled. But, thank Heaven, a brighter day begins to dawn—the wrongs of the down-trodden and oppressed, and the principles for which they contend, are better understood, and the enlightened and patriotic everywhere sympathize with them, and are ready to come to their relief."

Mr. Clyde concluded his address in the following words :

" And now, sir, after mingling, as I have done for months, with some of the most talented, patriotic, and independent men of our state, and witnessing as I have done their persevering and untiring efforts to frame a constitution worthy of themselves and the people they represent, I can return to the quiet of my home with the full consciousness of having honestly and faithfully, according to the best of my poor abilities, discharged my duty to my constituents, and can behold in the new constitution which we shall have framed the provisions which are now sought to be engrafted upon it, the days of my retirement will be the happiest of my life, and to have contributed in an humble degree to the consummation of this object, as much honor as I shall ever desire."

The article proposed by Mr. Clyde, with a section offered by Mr. Simmons, declaring the tenure of all estates allodial, was ultimately adopted with great unanimity, and now constitutes a part of the constitution.

On the 9th day of October the convention terminated its labors. On the final vote on the whole constitution, all the members present voted in favor of it, except Messrs. E. Huntington, O'Conor, W. H. Spencer, Stow, Tallmadge, and White.

The following resolution, on the motion of Mr. Cambreling, was passed unanimously :

" Resolved. That the six gentlemen connected with the Al-

bany Argus, Albany Atlas, and Albany Evening Journal, as reporters, viz :—Sherman Croswell, Richard Sutton, Wm. G. Bishop, Wm. H. Attree, Wm. H. Hill, and Francis S. Rew, be entitled to the thanks of this convention for the industry and ability with which they have discharged their duty as reporters for the papers to which they have been respectively attached.”

The closing scene of the convention was harmonious and highly interesting. The chair being occupied by Mr. Cambreling, Mr. Patterson rose and said—

“ He had a resolution to offer, which he trusted would receive the unanimous vote of the convention. It was a resolution of thanks to our presiding officer, and which he took great pleasure in offering. He knew full well the arduous and delicate duties of the chair, and he could appreciate the courteous and impartial manner in which they had been discharged. He trusted the convention would adopt the resolution with a hearty and unanimous aye :—

‘ Resolved, That the thanks of this convention be presented to the Hon. JOHN TRACY, for the able, dignified, and impartial manner in which he has discharged the arduous and responsible duties of the chair; and that in retiring therefrom, he carries with him the best wishes of every member of this convention.’ ”

The president, on resuming the chair, responded to the resolution in the following words :

“ GENTLEMEN :—It is highly gratifying to me to receive, at the close of our labors, the approbation contained in the resolution you have adopted unanimously. With a grateful heart, I return you my sincere thanks.

“ To form a constitution of civil government which will best secure the political rights and permanent welfare of a free people, is a work of great magnitude and importance. You have devoted yourselves to this momentous work, and have discharged the high trust committed to you, with great zeal and fidelity. I confidently hope, that the constitution now to be submitted to our constituents, will be ratified by them, and

that the people of this state will realize from it the most auspicious results.

"It gives me great pleasure, gentlemen, to acknowledge my obligations to you for the courtesy and kindness you have at all times extended to me, and to assure you of my best wishes for your prosperity and happiness."

Upon the close of this address, on the motion of Gen. Ward, the convention adjourned without day.

Thus terminated the labors of the convention of 1846. The result of those labors must long be felt, and will produce a radical change, as we confidently hope, for the better, in the political and social condition of this community. The alterations made by this convention in the organic law, are many and immensely important.

It declared the tenure of all lands to be allodial, abolished all restraints upon alienation, and prohibited leasing lands for a longer term than twelve years.

It abolished the banking monopoly, by taking from the legislature the power of granting special charters for banking purposes, and of suspending specie payments.

It took from the governor and senate and legislature, the prerogative of appointment to office, and gave to the people, acting in their sovereign capacity, the vast patronage which theretofore had been wielded by a central power.

It new organized the judiciary, added greatly to its force, while it diminished the number of judicial officers, abolished the centralization of judicial power, and made all judges dependent directly on the people for their appointment.

It provided for and required the election of senators and members of the assembly by single districts. And

It restricted, within safe and definite bounds, the power

of the legislature, in creating state indebtedness without the sanction of a majority of the people, declared at the polls of our elections; it provided sure and certain means for enlarging the grand canal upon the magnificent plan heretofore projected, and in part executed, and for the completion of the canals already commenced; and it also provided for the sure and certain payment and total extinction of the public debt, within a comparatively short and well-defined period.

Good and great men have doubted whether it was safe or prudent to commit the appointment of all judicial officers to the people. Experience alone can decide whether those doubts were well founded. In the mean time we submit to the candid of all parties, whether, if the thirty-six judges of our superior courts had been appointed by any governor, or any senate, or any legislature, no matter which party should have held the power, a better selection would have been made than has been done at the late election? Without the least desire to compliment the successful candidates, we say with confidence that the response to this question would be a prompt and decided negative.

It is true that many of the great men who adorned the convention of 1821 did not form a component part of the convention of 1846. James Kent, Ambrose Spencer, Daniel D. Tompkins, Rufus King, William W. Van Ness, Martin Van Buren, Jonas Platt, Abraham Van Vechten, Samuel Young, Ezekiel Bacon, Erastus Root, Nathan Williams, John Duer, and Jacob Sutherland, were not there, but there was in this convention much political experience, much legal learning, and above all a large stock of prudence and sound common sense.

The most remarkable characteristic of the convention

of 1846 was the entire absence, during the whole of their deliberations, of even the semblance of party spirit, especially when it is considered that they were generally chosen by political parties, and, with few exceptions, elected by a strict party vote; and that, in fact, the greater part were really warm partisans. Here then was an assembly, elected in the manner which has been stated, composed of stanch old school federalists, drilled and disciplined hunkers, radical whigs, barnburners of the "most straitest sect," conservative whigs, and zealous and firm anti-renters. That such an assembly should, for more than four months, meet daily, and labor, shoulder to shoulder, like a band of brothers—should, as it were, amalgamate into one mass, and make a united effort to frame a system of organic law which should best secure to each and to all "life, liberty, property, and the pursuit of happiness"—was exhibiting to the world a spectacle perhaps never before witnessed. It was, if we may so speak, a political miracle. Once or twice Mr. Chatfield did, indeed, probably without consideration, and from momentary impulse, make an appeal to party interest and party feeling, but, as Mr. Harris is reported to have good-humoredly said, he (Mr. C.) rung the party rattle in vain. The spirit of party would not come when he called it; and so far from the appeal being successful, it was, by Mr. C.'s own political friends, signally rebuked.

The present constitution is the work of no party, because it was made by all parties, and therefore is, as the organic law ought to be, the work of all parties.

The articles most likely to produce effects on political parties, are the third article, which directs that the members of the senate and assembly shall be chosen by

single districts, and the fifth and sixth articles, which direct that the state, judicial, and county officers shall be elected by the people.

Before the convention of 1821, all officers, civil and military, from the chancellor down to a justice of the peace, including all state officers except the treasurer, and also including the sheriffs and county clerks, mayors and recorders of cities, &c., were appointed by a simple majority of a board consisting of five men only, who sat at the seat of government. This tremendous power entered the log hut of the lieutenant or ensign of a militia company, or that of the country justice of the peace, as well as the mansion of the mayor of New York, the secretary of state, or the comptroller, and hurled them from their places at its own sovereign will and pleasure. The convention of 1821 wrested something from the central power; still, however, the great officers of state were created at Albany—still the central power reached every county, and was felt by every town in the state. The convention of 1846 have wholly annihilated this terrible power. How mighty the change! The consequence must be to make parties what they ought to be, that is, portions of men who differ in opinion in relation to the measures of government from other portions of men. So long as human beings are imperfect, so long will these differences exist; and if men are honest they will always, in a free government, act in accordance with their own views and opinions. Hence, among a free people, there always will be, and always ought to be, parties. But what is called the discipline of party, it seems to us, must necessarily cease in this state. How can there be party discipline, when there is no longer the power to reward and punish?

## CHAPTER XXII.

The Mexican War—Speech of Mr. John Young on a resolution to support the War—Legislative Caucus at the close of the session—Whig legislative Caucus and Address—National Reformers—The New Scotland Convention—Democratic State Convention at Syracuse—Address of the Convention—Whig State Convention—Anti-rent Convention at Albany—John Young elected Governor and Addison Gardiner Lieutenant-governor—Speculation on the causes of the defeat of Gov. Wright—Death and character of Gen. Root—Conclusion of Political History.

HAVING, as we hope, presented a clear though brief view of the action of the constitutional convention, we shall now proceed to attempt to give some account of the action of political parties in the state from the time of the adjournment of the legislature in May to the general election in November.

The two houses adjourned on the 13th of May, but on the day previous to the adjournment, the news reached Albany of the commencement of war between the United States and Mexico; and but a few hours before the period fixed by a joint resolution of the senate and assembly for the termination of the session, Mr. Albertson, from New York, offered the following resolution:

"Be it resolved by the legislature of the state of New York, that the governor be empowered to enrol a body of fifty thousand men as volunteers, with a view to act in the defence of the state, or to proceed to the seat of war to defend the honor and dignity of the country, and that the governor be hereby authorized at his discretion to order the same on duty, and that the sum of one hundred thousand dollars

be, and the same is hereby appropriated to defray the expenses of the same."

Mr. Wells supported the resolution with great energy and zeal. Mr. Worden declared himself ready and desirous to support the country in the contest, but as no message had been received from the governor on the subject, he doubted whether it would be proper to take any action on the subject without communicating with him. He was, however, willing to prolong the session to afford an opportunity for such communication.

"Mr. J. Young said he would go for the resolution as it is. He would have the opportunity taken to evince the opinion of the legislature of New York. It had been known that he was among those who had been opposed to the annexation of Texas; but that was now a foregone act. Texas was now bone of our bone, flesh of our flesh; and he who invaded any portion of her soil, invades our territory—invades a part of the United States. He would advocate the voting of funds—the levying of troops to protect her rights, and to secure her territory from invasion. No man could doubt—it was now past doubt that we were in a state of war. The country was invaded—the rights of our country, of our citizens, had been trampled upon, and he would sustain the country *right or wrong.*"

Mr. Clark seemed to think the resolution uncalled for at that time, and moved to lay it on the table, but his motion was lost, only 12 members voting for it. Nearly all the whigs voted against laying the resolution on the table, among whom was Mr. Worden as well as Mr. Young. The question was then taken on the resolution, and it was adopted without a division.

The action of Mr. Young, and a large majority of the whigs, on this question, indicated a determination on their part not to make an issue with the general administration on the war question.

The declaration of Mr. Young, that he would support the war whether *right or wrong*, was supposed to have been elicited by the enthusiasm of the moment; but as in his annual message last January, he has referred to his declaration on the occasion to which we allude, we cannot omit remarking that if that declaration is to be construed in its broadest sense, its correctness may well be doubted. If Mr. Young meant that as a citizen or a soldier he would support the faithful execution of the laws of his country, he was right; but if he intended to declare, that as a legislator he would vote for furnishing the means to an executive to continue a war which in his conscience he believed unjust and "wrong," it is respectfully submitted that his position is untenable. The framers of the constitution were so jealous of executive power, that they would not confer on the president the authority to declare a war; but if Mr. Young's proposition be as some have supposed he intended, then, according to his doctrine, he would feel bound, as a member of the national legislature, to furnish a corrupt or a weak and misguided president with men and money to *continue* a war which he (Mr. Y.) knew to be unjust and ruinous. Carry out this doctrine, and you place it in the discretion of the president alone, when once war is declared, to determine whether that war shall not be endless.

Before the adjournment of the legislature, the democratic members held a caucus for the purpose of agreeing on an address to their constituents. It is said only two of the hunkers attended this meeting, one of whom was Mr. Wells, who made a speech against the proceedings.

An address, however, was issued, which set forth the leading principles advocated by the party, and urged

union, activity, and energy of action in the democratic ranks.

After the adjournment of the legislature, five senators and nine members of the assembly, alleging that they had been selected as a committee "by a *portion* of the democratic members of the two branches of the legislature," issued an address. It is remarkably well written, but it attacks with great severity the radical party and the state officers. It charges them with predetermined hostility to Gov. Bouck, and with secret hostility to Mr. Polk, and it charges the canal board with refusing to appoint any persons to office who do not yield "an implicit adhesion to a particular faction." Even day-laborers on the canal, it alleges, are compelled to be subject to such a subservience to the central power. The address does not in terms attack Gov. Wright, but it evidently "turns a cold shoulder towards him." This was an unpromising commencement by the democratic party of a campaign against the great whig party.

The abolitionists, native Americans, and anti-renters, all retained their several organizations. The former nominated and supported their own candidates for state officers, but the latter adhered to their policy of selecting from the two great parties such candidates as in their judgment would be most likely to favor their views.

There was an attempt made to organize still another party in the city of New York, known by the name of "**NATIONAL REFORMERS**." It consisted of philosophical and speculative men, who established a weekly newspaper, called "*Young America*," which was conducted by Mr. George H. Evans, an able but rather visionary writer.

A friend has put into our hands a few numbers of this

paper, but we have not had leisure to examine them with the care and attention which would be necessary in order to present a correct summary of all the principles which the editor seems desirous to maintain and establish.

The first proposition of the reformers is, that "*man has a right to land.*"

2. "In strict justice the landless ought to be put in immediate possession of their share of the *appropriated* soil, and to receive compensation from the *monopolists* for the loss of education, property, and other deprivations they have suffered for want of their birthright." But as this cannot be effected as society is at present organized, without confusion and human slaughter, the reformers propose that *in future* every person shall be disabled from acquiring more than his reasonable share of the soil, not to exceed say 160 acres of land. To accomplish this they propose that on the death of any existing landholder, owning more than 160 acres of land, the surplus shall be sold to the landless, and the purchase-money divided among the heirs of the deceased proprietor.

3. That a home, with a reasonable quantity of land attached to it, shall be secured to the descendants of the head of each family, inalienable, and not subject to be affected by mortgages or other liens.

4. That the public lands should be surveyed into townships, and the townships into lots of 160 acres, except 640 acres in the centre of each township, which should be laid out in village lots, and that any landless adult citizen, whether male or female, might enter on and hold one of these lots, on payment of five dollars for the expense of surveying the same.

The Young America presents to its readers, at the head of its editorial department, the following pledge, which no doubt is intended to contain a summary of the peculiar doctrines of the National Reform Association—

"We whose names are annexed, desirous of restoring to man his natural right to land, do solemnly agree, that we will not vote for any man for the presidency or congress who will not pledge himself in writing, to use all the influence of his station, if elected, to prevent all further traffic in the public lands, of the states and of the United States, and to cause them to be laid out in farms and lots for the free and exclusive use of actual settlers; or for any man for the governorship or the legislature, who will not so pledge himself to the freedom of the public lands, to a limitation of the quantity of land to be obtained by any individual hereafter in this state, to the exemption of the homestead from any future debt or mortgage, and to a limitation to ten of the hours of daily labor, on public works or in establishments chartered by law."

An event occurred in the county of Albany before the adjournment of the legislature, which served greatly to increase the existing hostility between the bonkers and radicals in that county: and as an account of it was immediately afterwards published in nearly all the country papers, it had the effect of producing disunion in the democratic party in other parts of the state.

A convention was called at Mr. Clarke's, in New Scotland, for the purpose of nominating candidates for members of the constitutional convention, by the democratic party of the county of Albany. This convention assembled on the 31st of March, and was attended by many of the most respectable citizens of the city and county of Albany. In organizing the meeting, a dispute arose in relation to the appointment of its officers,

and respecting the persons who were entitled to seats as delegates. The controversy immediately assumed a boisterous and belligerent character, personal violence was committed, and the hunkers finally withdrew from the meeting, alleging that the radicals had hired reckless persons from the city to accompany them, with a view to overawe and subdue their opponents by means of physical force. A protracted and bitter controversy was carried on between the Argus and Atlas respecting which party was the cause of this outrage. We do not propose to say any thing on that question, but would merely remark that it is deeply to be regretted that a breach of the peace and personal violence should have been committed, at a meeting of estimable and worthy citizens convened to deliberate on political subjects, especially as those citizens claimed to belong to the same party: that its effect was most disastrous to the democratic party in the county, was proved by the elections which succeeded it.

The democratic state convention was held at Syracuse on the first day of October. The radicals and hunkers had each made efforts to obtain a majority of the delegates. The former, however, were most successful in that contest, and nearly two radicals to one hunker were chosen. From the counties of Oneida and Albany, a double set of delegates were sent to Syracuse. From the county of Albany, John Van Buren and three other radicals appeared and claimed their seats, and Rufus W. Peckham and three other hunkers claimed adversely to Mr. Van Buren and his friends. From the county of Oneida, Horatio Seymour and three other hunkers claimed seats, which were contested by Ward Hunt, and three other radicals.

The convention decided in favor of the claims of Mr. Seymour and his colleagues without much discussion; but the right of Mr. Van Buren and his friends to seats was elaborately discussed. Much ardor was exhibited, and very sharp passages occurred between some of the members. Eventually, the right of Mr. Van Buren and his colleagues was confirmed by a vote of 74 to 44. The result of this vote probably shows the comparative strength of the two parties in the convention, although it is true that Mr. Flanders, who had been chosen as a radical, and who professed to belong to that party, advocated and voted in favor of the claim of Mr. Peckham and his associates.

The convention was then regularly organized by the appointment of Chester Loomis, a late senator from the county of Ontario, for president, and E. F. Purdy, of New York, and seven others, vice-presidents. On balloting for a candidate for governor, Silas Wright had 112 votes, Amasa J. Parker 7, and Heman J. Redfield 6.

On the motion of Mr. Seymour, Mr. Wright's nomination was declared to be unanimous.

Addison Gardiner immediately afterwards was unanimously nominated lieutenant-governor. Several ballottings were then had for canal commissioners, but eventually Cornelius L. Allen, of Washington county, and John T. Hudson, of Erie county, were declared duly nominated.

A very able and lengthy address was read to the convention, in which the arrangement with Great Britain respecting the Oregon territory was considered and approved, the re-enactment of the independent treasury law by congress highly commended, the late tariff and

warehouse acts examined and approved ; the Mexican war was alluded to, and a desire expressed for a speedy and honorable peace ; the constitution framed by the late convention was commended, and the prominent alterations it proposed of the constitution of 1821, such as those relating to the executive and legislative departments, administrative officers, judicial department, and our financial system, were set forth with great clearness and ability.

The address concludes with a handsome eulogy on the candidates recommended by the convention. As respects Mr. Wright, it says :

"At the last gubernatorial election, the political condition of the state and of the Union demanded from the republicans of New York an effort worthy of their cause and of themselves. A presidential election was, as was generally believed, and as the result proved, to be determined by the vote of this state, and it thus became the battle-ground of the Union. Our brethren throughout the United States united with us in an anxious solicitude that in such a contest, which was to determine the policy of the government perhaps forever, in regard to important if not vital measures which had divided parties almost since their formation, and which was to restore, or postpone indefinitely, democratic ascendancy, a leader might be selected in this state, the strength of whose public and private character would furnish to them, as well as to ourselves, a certain promise of victory.

"Such a man was SILAS WRIGHT ; and an almost universal public expression indicated him as the standard-bearer of the republicans of this state in that great and decisive struggle between democracy and federalism. The Syracuse Convention responded to this general desire, by putting him in nomination for governor, and he surrendered his well-known and publicly declared disinclination to accept the office, to the ardent wishes of the friends of the cause.

"The stern fidelity with which he has upheld the financial

policy that redeemed the credit and character of the state, his fearless vindication of the majesty of the law, and, at the same time, merciful dispensation of its justice, his careful and unwearyed attention to the varied and responsible duties of his office, and his integrity, ability, and impartiality in their discharge, have given to New York a high rank among her sister states, and have furnished new and additional reasons to her citizens for requiring the continued services of her distinguished chief-magistrate.

"The increased and singular unanimity in his favor manifested by the convention which nominated SILAS WRIGHT, is an honest reflection of the democratic will, and a well-earned tribute to the fairness, prudence, wisdom, and ability with which the just expectations of the democrats of the state have been met and fulfilled—and we again, with unhesitating confidence, commit him to the hands of a people whose pleasure and pride it ever has been to cherish, defend, and sustain him."

The members of the convention seemed to separate in good spirits, and with feelings of cordiality towards each other.

We have before stated that there were two parties among the whigs, one of which, for convenience, we named radical, and the other conservative. But the movements of the whigs are to us involved in so much obscurity, that we cannot speak with much certainty of those divisions. They are probably less publicly known and less marked, though they in fact exist, for the reason that the whigs are not so regularly organized as the democrats have been, and because, for several years past, they have, for the greater part of the time, been in the minority. That, however, such men as Gov. Seward, Thurlow Weed, and many others acting with them, entertain views in relation to both men and measures different from Millard Fillmore, John A. Collier, the

present lieutenant-governor, Fish, &c., we have no manner of doubt. The Evening Journal, the Tribune, and various other whig papers which follow their lead, are the organs of the former; while the Express, the New York Courier and Enquirer, the Oneida Whig, the Buffalo Commercial Advertiser, &c., express the views of the latter. The former look with more favor on adopted citizens, and changes in our system of government and laws, especially those which seem to be called for by popular opinion, than the latter. Probably the conservative whigs possess the most wealth, but the radicals far the most activity and energy. Our own impression is, that Mr. John Young occupies a position between those two sections. How long he will be able to maintain his "*juste milieu*" position, time only will disclose.

The whig convention was held at Utica, on the 23d day of September. It was conducted with great energy and spirit, though its proceedings exhibit very clearly the lines of division between the conservative and radical whigs.

PHILIP HONE, a worthy and much esteemed citizen of New York, and formerly mayor of that city, was chosen president. The members first informally balloted for a candidate for governor, with the following result. On the first ballot Millard Fillmore received 55 votes, John Young 36, Ira Harris 21, William Duer 3, John A. Collin 2, blank 2. A second ballot was then had, which also resulted without any candidate receiving a majority of all the votes; but on the third ballot Mr. Young received 76 votes, and Mr. Fillmore 45. There can be little doubt but that nearly, if not all the votes which on the first ballot were given to Mr. Harris, were on the

third ballot given to Mr. Young, and produced his nomination.

After the informal balloting Mr. Babcock, of Erie county, informed the convention that the name of Mr. Fillmore had been used against his expressed wishes, and that the delegates from Erie county had consented to its use on the informal ballot, in compliance with the earnest solicitation of delegates from other counties. From all these circumstances, we infer that the forty-five votes given for Mr. Fillmore on the last ballot were given by conservative whigs. Mr. Young was, of course, nominated for governor, and on the motion of Mr. Christopher Morgan, Mr. Hamilton Fish was unanimously nominated lieutenant-governor. Charles Cooke, of Chemung, and Thomas Clowes, of Rensselaer, were designated as candidates for canal commissioners. Two or three resolutions, and a brief address to the people, were adopted and published.

The convention, after the delivery of several eloquent speeches, adjourned in great harmony. Among those who addressed the convention were the president, (Mr. Hone,) Mr. Morgan, of Auburn, Mr. Thayer, of New York, and Mr. Dawson, of Albany.

The liberty party, at an early day, made their nomination for state officers. Mr. Stewart having declined a renomination, they nominated HENRY BRADLEY for governor, and WILLIAM L. CHAPLIN for lieutenant-governor, and James Sperry and John Thomas for canal commissioners.

The Native Americans also took the field, and put in nomination Ogden Edwards as their candidate for governor. Mr. Edwards has been several times mentioned, in the preceding volumes of this work, as a distinguished

member of the legislature and of the convention of 1821, and as having for a long time held the office of circuit judge of the first circuit. Judge Edwards, in his letter accepting the nomination, reviews the action of political parties in this state, and animadverts with some severity on the conduct of both the great parties.

At a convention held at Beardsley's hotel, in Albany, in the month of October, by the anti-renters, on the subject of state officers, they resolved to support John Young for governor, and Addison Gardiner for lieutenant-governor. Mr. Evans attended this convention in behalf of the national reformers. A committee of that party had addressed letters to the whig, democratic, and liberty party candidates for governor, inquiring of them, respectively, whether they were for or against the leading doctrines of the reform party. To those letters Gov. Wright and Mr. Young had either returned no answers, or answers which were not satisfactory; but Mr. Bradley and Mr. Chaplin, the liberty party candidates, had made answers which met the approbation of Mr. Evans and his friends. Mr. Evans, therefore, was for nominating Mr. Bradley, or for repudiating all the candidates then before the public, and making an independent nomination. Several of the anti-renters (and it is presumed these were democratic anti-renters) were in favor of nominating a new candidate, but Mr. Wm. B. Wright, a member from Sullivan county, earnestly urged, in an elaborate speech, the nomination of Mr. Young: among other things, he affirmed that if Mr. Young was elected, he would pardon the anti-rent convicts. From the ballots given at this convention, the number of those who took part in its proceedings must have been small. A correspondent of the *Young America*

states that the result of the balloting was 20 votes for John Young, 7 for Benton A. Thomas, and 3 for Henry Bradley.

It is said that efforts were made by many of the democratic anti-renters to nominate Mr. Wright instead of Mr. Young, and that he was earnestly pressed by some of them to give some assurances that he would, at an early period, pardon those who had been convicted in Delaware and Columbia counties, and that he declined to make any intimations as to what his future action on that subject would be. For this reason, it is further asserted, the democratic anti-renters were compelled to give him up. That something of this kind did take place we have little doubt: nor do we doubt but that some of the radical friends of Gov. Wright made efforts to induce the anti-renters to nominate him. But the anti-rent convention was held in Albany, where Mr. Ira Harris then resided. He enjoyed the full confidence of the members of the convention, and was an avowed friend of Mr. Young. Is it not reasonable to presume that his opinion, together with that of Mr. W. B. Wright, had a controlling effect in the selection of a gubernatorial candidate by the convention, which was mainly composed of farmers and workingmen from the country? It has also been stated, in several public newspapers, that Judge Harris had in his possession a letter from Mr. Young, which at that time, or at a subsequent period before the election, he exhibited, in which Mr. Young expressed an opinion that those convicts ought to be pardoned, and that if elected he would pardon them. We do not know that such was the fact, but, as we have just remarked, it was so charged in several newspapers, and never to our knowledge denied, either





Wm Young

by Mr. Young or Judge Harris. Some of the conservative whig papers, the Courier and Enquirer and New York Express, animadverted with great severity on Mr. Young for writing this letter. If it was written, and intended as an overture to induce the anti-renters to vote for him, it was beyond question an unjustifiable act; but if it was an answer to an inquiry as to what his opinion was on that subject, and if, as afterwards appeared, in his judgment a pardon ought to be granted to those men, (and for which opinion he gave many very plausible reasons,) it is difficult to perceive why he was more deserving of censure for expressing that opinion, than Mr. Clay and Mr. Van Buren were for declaring themselves against, or Mr. Polk for declaring himself in favor of the annexation of Texas before the last presidential election. It was a grave question of state policy, on which the electors, and especially the anti-renters, had a right to know his opinion, and it was his right, and perhaps his duty to declare it.

The national reformers finally nominated, and it is presumed supported Mr. Bradley for governor, and William E. Chaplin for lieutenant-governor.

We ought before to have mentioned that in the spring of 1846, Mr. Hoffman was appointed surveyor of the port of New York, which was, so far as we can recollect, the only important appointment conferred by Mr. Polk on the radicals in this state. We ought also to have stated that during the session of the constitutional convention, Gov. Bouck, who was, as we have seen, a member of that body, was appointed receiver of the public moneys in the city of New York, under the law for the establishment of an independent treasury. Personally, the appointment was not only unexceptionable,

but a very good one. The character of Gov. Bouck as a correct business man, his pecuniary ability, and his known integrity, rendered him as suitable a person to be selected for that office as any man in the state; but the prominent position he held in the ranks of the hunkers induced an impression that the national administration intended by this appointment to afford a demonstration, on the eve of the gubernatorial election, that the hunker party were regarded at Washington as special favorites. "The government at Washington," says an intelligent though ardent and excited radical, in a private letter to the author, "to manifest its will and pleasure, before any thing was known how the convention would act, walked into that body on a fine summer's morning, and *crowned Gov. Bouck king of the sub-treasury*. I have always considered this as the grossest insult to Gov. Wright. Gov. Bouck was the head of the opposition, and known to be so. This action was the significant indication of the guillotine prepared for Gov. Wright in November. From that moment the officers of the general government intrigued and caballed to defeat him." This last allegation is, however, denied by those officers. Indeed, our correspondent himself says that "the president and most of his secretaries wrote to Gov. Wright on the eve of the election of 1846, disclaiming all knowledge of the official action of the government officers, and expressing for him the warmest friendship;" but the writer doubts their sincerity.

The vote of the liberty party, which in 1844 amounted to nearly sixteen thousand votes, was this year reduced to about twelve thousand, while the anti-renters, with less numerical force, by the exercise of their bal-

ance-power, elected a lieutenant-governor, at least one canal commissioner, one senator, and ten or twelve members of the assembly.\*

The abolition party, in proportion to its numbers, as we have before remarked, contains more wealth and talent, and, we may add, more individual integrity and virtue, than any other political party in the state; and yet they are few in number, and that number seems to be decreasing. Whence is this? It cannot be owing to hostility to their "*one idea*"—their great and paramount principle of opposition to human slavery—for there are thousands and perhaps hundreds of thousands in the state who in that respect entirely concur with them. If it is allowable so to speak, they are too honest and conscientious to extend their numbers as a political party. Their very honesty renders them proscriptive. They appear to have adopted as a part of their political ethics, the maxim of scripture in regard to the observance of the moral law—that to offend in one point, is to be guilty of a breach of the whole law. Hence some of their papers have denounced such men as John Quincy Adams, Giddings, and Slade, and there are those among them who denounce John P. Hale. A remarkable instance of the extreme tenacity with which they adhere to their abstract principles, was exhibited in their conduct in relation to the election of delegates in the spring of 1846 to the constitutional convention. It was conceded that only one question could come before the convention in which they as *abolitionists* felt any interest, and that was, whether an equal right of

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\* They have recently caused the election of two, and probably three of the judges of the Supreme Court, and it may be of an attorney-general.

suffrage should be extended to colored citizens? It was further admitted, that there was not a single county in the state that could by possibility elect an abolitionist *as an abolitionist*. It was also well known that candidates were or would be in nomination in probably a large majority of the counties in the state, by the whig and democratic parties, some of whom held opinions favorable, and some adverse to the equalization of the right of suffrage; and that in several of those counties the abolitionists might have selected candidates from the two great parties, and caused their election, who, if elected, would carry into effect in the convention the views of the Liberty party on that subject. In this condition of things the sagacious and judicious Westley Bailey, editor of the Liberty Press at Utica, recommended to his friends the course last suggested. This simple suggestion produced instantaneous excitement among many of the abolitionists. A convention was called, which assembled at Winfield, in Herkimer county, and Mr. Gerrit Smith, one of the most kind-hearted, liberal, and benevolent men of the age, attended the meeting, and for hours addressed the audience in an eloquent and fervent speech, in which he urged that the party was pledged not to vote for a slaveholder, *nor any man who would vote for a slaveholder*, and solemnly adjured them, on that occasion, not to violate that pledge. A large majority of the convention adopted his views. The liberty party are desirous, sincerely and anxiously desirous, that the slave should be liberated, but they will allow none but themselves to break his chain and open his prison-door.

The Native American ticket received but few votes.

The contest between the two great parties terminated in the election of Mr. Young by a majority of 11,572

votes over Mr. Wright, and the election of Mr. Gardiner over Mr. Fish by a majority of 13,357. Thomas Clowes, one of the whig candidates for canal commissioner, was elected over Mr. Allen by 7,255 votes, and John T. Hudson, one of the democratic candidates for the same office, was elected over Mr. Cooke, the candidate of the whig party, by a majority of 13,366 votes. Messrs. Young, Gardiner, Hudson, and Clowes were the nominees of the anti-rent state convention.

Mr. Clowes has long been known as an active and energetic politician. He had, during the administration of Gov. Seward, been appointed canal appraiser, and well and faithfully discharged the duties of that important office. His election, therefore, to the office of canal commissioner, was hailed by his friends and acquaintance as an auspicious event; but he unfortunately gained nothing by his election. During the bustle of preparation for the election, it seems it did not occur to the members of either of the state conventions, that under the new constitution there could be no vacancy in the office of canal commissioners, except by death or resignation, until January, 1848; for that constitution provided that the terms of office of the commissioners should not expire until the 1st day of February, 1847; and that those in office on the 1st day of January then next, should hold their office until others were subsequently elected in their stead. But the death of Mr. Earl left one vacancy in the board of commissioners, and to fill that vacancy, Gov. Wright appointed his political friend, Mr. John T. Hudson.

The whigs also succeeded in electing five senators out of the eight which were chosen at that election. There were returned elected to the assembly, 68 whigs,

50 democrats, and 10 anti-rent members. Of the members of congress the whigs elected 23, and the democrats 11, by an aggregate majority of the popular vote in the state of 21,051. The majority in favor of the new constitution was about 130,000. The returns exhibited the following curious results:

The aggregate electoral vote in the state was in 1846 about 90,000 less than in 1844. Mr. Wright's vote in '46 was about 54,000 less than in '44. Mr. Gardiner's vote exceeded that of Mr. Young about 24,000; and Mr. Fish's aggregate vote was about 500 more than Gov. Wright's. In the county of Albany Mr. Young's majority over Mr. Wright was 2,818; in Delaware county it was 1,802. In 1844, Mr. Fillmore's majority in Albany county over Mr. Wright was 25 votes only; and in the county of Delaware Mr. Wright's majority over Mr. Fillmore was 975. In the city of New York, in 1844, Mr. Wright's majority was 3,340; but in 1846 it was 5,180. In the county of Oneida, where no anti-rent party at any time existed, Gov. Wright, in 1844, obtained a majority of 821 over Mr. Fillmore; and in 1846 Mr. Young's majority over Mr. Wright, in the same county, was 1,337 votes!

Here, according to the plan we had marked out, our *political history* closes; but we shall take leave to add some observations on the probable causes of the result of the election in November, 1846, and particularly of the defeat of Gov. Wright. We say, then, his re-election was *not* prevented by any of the following causes:

1. Gov. Young was not elected because there was a legitimate whig majority in the state. No question respecting state or national measures had agitated the

public mind, about which men differed in opinion, since the election of 1845. It is true, a war with Mexico had been declared, but all parties, except the abolitionists, were anxious to manifest their zeal in favor of the vigorous prosecution of the war.

2. It is doubted whether, in a single instance, any individual of standing and character, between November, '45, and November, '46, changed his opinion on any important political question. Certainly no such change was publicly avowed.

3. The vote of the electors of the state in 1845, and when the delegates to the constitutional convention were chosen so late as May, 1846, exhibited a clear and decided democratic majority in the state: and the votes for judges of the Court of Appeals, which were given only about seven months after the November election of 1846, also proved that at that time there was a large democratic majority in the state: for not one word was uttered, and not one word could have been uttered, by any man who had a decent regard for his reputation, against the ability, integrity, and personal fitness of the whig candidates for judges.

4. It was not caused by personal hostility, or the personal unpopularity of Gov. Wright. His great talents were universally admitted. His frank and easy deportment, and his kind and social nature, rendered him universally esteemed and beloved. "He bore his faculties so meek, and had been so clear in his great office," that we do not believe the man then lived, or now lives, who would then, or will now, declare himself *personally* unfriendly to him.

What, then, was the cause of Governor Wright's defeat?

Shortly after the result of the election was known, a series of five consecutive numbers appeared in the Albany Atlas, written with great ability, entitled, "The result of the New York state election, its causes and consequences." The author has evidently been long familiar with the politics of this state, and reviews the action and motives of action of political parties and the fragments of parties for many years past, with apparent candor.

The first cause of the result which the writer mentions, is the vote of the anti-renters. He arrives at the amount of this vote by the ease of Messrs. Clowes and Allen. These gentlemen, he says, were both unexceptionable men,—neither possessed more than ordinary personal popularity, and both received the fair and legitimate vote of the parties to which they respectively belonged; but Mr. Clowes received the anti-rent vote, and his majority over Mr. Allen was 7,255. He then shows that the difference in the vote for Mr. Wright between the years 1844 and 1846, in the city of Albany and in the counties of Allegany, Oneida, Onondaga, Chenango, Lewis, Cayuga, Herkimer, Chemung, and Steuben, where no anti-rentism prevailed, was more than sufficient to overcome the majority given to Mr. Clowes; and hence he concludes that the anti-rent vote was "*a cause*," but not *the cause* of the defeat.

The writer then proceeds to assign, as another cause, the veto of the canal bill by Gov. Wright; and he concedes that the majorities in favor of Mr. Young in the counties of Lewis, Oneida, Allegany, &c., may have been in part occasioned by that veto. But Mr. Wright's opinions on the subject of expenditures for internal improvements and the creation of state debts, were clearly

and distinctly stated as long ago as the year 1827, in his report on the petition of David E. Evans and others.\* And again: it was well known, in 1844, to every man of common intelligence in the state, that he had not changed those opinions. It may be added, that it is most obvious that the veto message was a mere reiteration of them. We think, therefore, that the author of "causes and consequences" was right in his conclusion, that the veto of the canal bill was "*a cause*," but not "*the cause*" of the loss of Mr. Wright's election.

The writer then proceeds to assign as "*the cause*" of Mr. Wright's failure, the opposition of the hunkers, which he calls the "conservative party." He traces back the history of this party to the year 1827: he claims that they were the party who were most pressing for the chartering of banks; who were generally interested in the stocks which from time to time were created; who were many of them deeply interested in localities to be affected by proposed canals or railroads, and were therefore favorable to most of the projected internal improvements: who were interested in keeping in the market a large amount of state stocks, and therefore desirous of increasing the public debt; and finally, that the hunkers represented a union of all these interests, which were, of course, opposed to the restrictive policy of Gov. Wright. The author concludes by affirming, that "this conservative party, thus bound together exclusively by selfish interests, and seeking only personal advancement and personal gain, was *the cause* of the defeat of Gov. Wright, and of the democratic party in this state, at the late election."

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\* See supra.

He then proceeds to charge Mr. Edwin Croswell with being the principal and most efficient member of this association, and that the course of the Argus previous to the election furnished powerful means for carrying into effect their views.

That the collisions between the hunkers and radicals in the legislature, and the conduct of some of the most radical state officers, with whom the hunkers knew the governor coincided in principle, and with whom they suspected he sympathized in feeling, coupled with the defeat of the renomination of Gov. Bouck, in 1844, produced a coldness on their part towards Gov. Wright, which at the election deadened the energy of a large portion of the democratic party in many counties in the state, cannot be doubted. It is also true that the Argus, the oldest, and certainly in former days the most influential and most extensively circulated democratic paper in the state, although it placed at the head of its columns the state democratic nomination, to use its own significant expression, turned a cold shoulder to Gov. Wright. It is not our business, nor do we intend to express an opinion, whether the hunkers had or had not good cause for this course. Of that every reader will of course judge for himself, after recalling to his recollection their political position, and what since the year 1842 had taken place between them and their opponents in the democratic party. All we mean to say is, that we believe that, with now and then a very rare exception, the leading and prominent hunkers themselves voted for Mr. Wright; but that the coldness of so many highly respectable and influential men as composed the body of the hunkers, scattered as they were over the state, from Long Island to Buffalo, must have discouraged

many of their democratic friends, repressed their ardor in the cause, and induced some of them to yield to the persuasion of the whigs to vote at that time their ticket, and others to remain at home and decline voting. Hence we see that the number of votes cast for Gov. Wright was 54,000 less than the number he received at the preceding election, and yet Mr. Young's majority was less than 12,000. The whig vote, when compared with their vote in 1844, was diminished less than 39,000. We therefore agree with the author of "Causes and Consequences," that the anti-rent vote, the canal veto, the course of the editor of the Albany Argus, and the hunker party, were, we should prefer to say, *among* the causes of the defeat of Gov. Wright. We say *among* the causes, for we believe there was still another cause, not mentioned by our author, and that was the action or supposed action of the general government.

Whether the president or any of his secretaries countenanced the hunkers in their indisposition to support Mr. Wright, we do not know. We are nevertheless inclined to believe that they never at any time made any express declaration of a wish that his election should be defeated. But that a very general impression prevailed, that the hunkers were especial favorites at Washington, we know to be the fact. How could it be otherwise? Gov. Marcy, who had been placed at the head of one of the most important departments, and which, particularly in time of war, held within its power an immense amount of patronage, was a distinguished hunker, and, contrary to the assurances given at the Baltimore convention, was appointed, when Governor Wright, as was well known, was in favor of another citizen of this state as its representative in the national

cabinet. Judge Nelson, also an eminent hunker, had been appointed a judge of the Supreme Court of the United States, an office the discharge of the duties of which required his residence at Washington a considerable portion of the year; and lastly, a short time before the election, Governor Bouck, who more than any other individual represented the hunker party, was appointed to one of the most important and influential offices in the city of New York. When the appointments of governors Marey and Bouck were made, the real state of feeling between the hunker and radical parties in New York must have been as well understood at Washington as at Albany.

We are aware that Mr. Ritchie, the editor of the government paper at the seat of the national government, shortly before the election, published in the Union a sort of general order, impudently forbidding (at least impliedly) all office-holders under the president to vote against Mr. Wright, under the pains and penalty of removal from office. We know, too, that a few days before the election, Mr. Polk and several of his secretaries wrote to Mr. Wright, assuring him of their anxious desire that he should be successful at the ensuing election. We are not advised that he made any use of these letters; but if he or his friends had so attempted, it was evident they came too late. The mischief was done, and the time for obviating it had gone by. It is an old maxim of the common law, that unusual, labored, and redundant declarations in a deed for conveyance of real estate—that the transaction is *bona fide* and honest, and that a full, ample, and valuable consideration has been paid—is one of the ear-marks of fraud: and accordingly some of the friends of Gov. Wright doubted the sincerity

of these assurances. We cannot believe that Mr. Polk, conscious as he must have been, that he owed his own elevation to the generous and patriotic sacrifice of interest and feeling by Gov. Wright, could have been disposed, either directly or indirectly, to encourage the opposition to Mr. Wright. But it was well known that Mr. Wright disagreed with the president and his cabinet on the question respecting the admission of Texas; it was also well known that Mr. Wright, if he should consent, would be a formidable candidate for the next presidency, and that he had already been all but nominated by the persevering and indomitable Thomas H. Benton. Mr. Buchanan and Mr. Cass were avowed candidates for the same high office. Mr. Walker had also been spoken of; but if not himself a candidate, there can be no doubt his views were entirely adverse to the election of Mr. Wright; and Secretary Marcy, probably the ablest man in any of the departments, sympathized with the feelings of his hunker friends at home. With such powerful motives operating on the minds of the secretaries, can it be deemed uncharitable at least to suspect, that Messrs. Buchanan, Walker, Cass, &c., secretly desired to impair the standing of their great rival?

But whether the government officers at Washington were sincere or insincere in their declarations, is not material in speaking of the causes of the defeat of Mr. Wright. It is sufficient to say, what we do not believe will be denied, that from their *acts* the impression was general that the hunkers were their favorites, and the radicals were viewed by them with disfavor.

Previous to the election of 1846, by the adoption of the new constitution, the governor had been shorn of

nearly all his patronage. The effect this must have had on an office-loving community, will be perceived and appreciated by every man of experience and reflection. We therefore feel authorized to assume that an impression did generally prevail that the predilections of the national government were in favor of the hunkers; that they were its special favorites, and that this impression may be regarded as one of the causes of the ill success of Gov. Wright at the November election in 1846.

In concluding the account of the political occurrences of this year, which concludes our history of political parties, it is our melancholy and painful duty to record the death of that distinguished politician and statesman, Gen. ERASTUS ROOT. He died in the city of New York on the 24th day of December. A few days before his death he left his residence in the village of Delhi, and, accompanied by his lady, was journeying to Washington, with a view of spending the winter there with their son-in-law, Major Hobbie, the assistant postmaster-general; but Providence had decreed that he should never again see that city, where he had spent so many winters actively and anxiously engaged in the bustle and struggles incident to political rivalries, and as a prominent actor and combatant in the conflicts which every session of congress produces.

The author has now before him a letter written to him by the general the evening before he left Delhi for the last time: quite unusual with him, every sentence is tinged with gloom and melancholy. One would think, from reading it, that when he wrote he had a presentiment that he was then about bidding a final adieu to his home, and the charming village of Delhi.

Gen. Root entered the political arena in the year 1798, and continued in the field during the residue of his long and active life, for he was a member of the convention, in the autumn of 1846, which put Mr. John Young in nomination for governor. Much has been said of him in the two preceding volumes of this work; and the journals and reports of the proceedings of the state and national legislatures, exhibit him in almost every page for many successive years. Some of the most important statutes of this state emanated from his vigorous and prolific intellect. With physical and mental powers superior to most other men—a mind highly cultivated by classical learning, and enriched by extensive and varied reading—a memory which never failed him—and with the most seathing and scouring wit always at his command, he was an efficient and powerful coadjutor in any cause which he chose to advocate; while by his opponents he was justly regarded as a most formidable antagonist. Sometimes he may have been faulty, errors he may have committed, uncourteous, and even bitterly severe he doubtless occasionally was: but God had given him a kind and generous heart, susceptible of deep sympathy for the unfortunate, the persecuted, and the miserable. He loved his friends—he loved his country, its civil institutions, its liberty, and its glory. During his long public life, no one ever ventured to charge him with corruption, or to insinuate a doubt of his honesty and integrity.

“ No farther seek his merits to disclose,  
Or draw his frailties from their dread abode:  
There they alike in trembling hope repose,  
The bosom of his Father and his God.”

## CHAPTER XXIII.

Life of Silas Wright resumed and continued—Mauner in which Mr Wright receives the news of his defeat—Letter from George W. Little, Esq.—Wilmot Proviso—Mr. P. King's Bill including the Wilmot Proviso—His Speech on the Bill—Resolution of the New York Legislature on the subject of the Wilmot Proviso—Mr. Wright leaves Albany for Canton—His Journey from Utica—Letter from Col. Hinman—Chicago Convention—Mr. Wright's Reply to the Committee who invited his attendance—Mr. Wright's Address at the Saratoga Agricultural Fair—His Manner of Life after his return to Canton—His Death.

HAVING carried down (though we fear very imperfectly) the political history of the state to the demise of the government under the constitution of 1821, we shall now confine ourselves to a brief account of the conduct of Gov. Wright during the short period he remained in Albany subsequent to the November election in 1846, after which it will become our painful duty to follow him in his retreat to his favorite and secluded home in the village of Canton, and to his last resting place—the grave.

From the time the result of the last presidential election was known, public attention, especially in the free and grain-growing states, was turned towards Mr. Wright as the man who ought to be, and who would be selected as the next candidate for the presidency. That a very large majority of the democrats in the eastern and western states were for him there can be little doubt. The current in his favor was daily deepening and widening. Yet he had formidable rivals—among whom

may be mentioned Buchanan of Pennsylvania, Cass of Michigan, Woodbury of New Hampshire, and to these names may, perhaps with propriety, be added Marcy, of New York. The November election in this state had cast a blight over the brilliant prospects of Mr. Wright. It was apparently the wreck of his political fortunes. He was beaten in his own state, at the very time when it was of the last importance he should exhibit strength at home. Would not his friends in the sister states abandon a candidate who was condemned by the voice of the people of the state of which he was a citizen? These and the like reflections must have pressed upon the mind of Mr. Wright at the close of the polls of the election. He had been in public life for more than twenty years, during which period he had seven times been a candidate, either before the people or their representatives, for important elective offices, and had never been an unsuccessful one. What, under similar circumstances, would have been the high, indeed we may say the distracting excitement of the minds of most other men, subject to the ordinary passions of human nature? How did the tidings of his defeat affect Mr. Wright? Let a gentleman speak who was in company with him when he received the result of the election, and who listened to every word he uttered, and carefully observed his every look and gesture.

"**ALBANY, Dec. 21, 1847.**

"**HON. J. D. HAMMOND—**

"**DEAR SIR**—On the afternoon of the day after the November election in 1846, I called at the residence of Mr. Flagg, the comptroller, in company with Lester Barker, Esq., the present sheriff of Oneida county. We found there Mr. and Mrs. Wright. The dispatches had been but a short time received that rendered it certain that Mr. Wright was beaten.

I was, of course, aware of the immense importance that attached to the result of that election, not to the democratic party and Mr. Wright's personal friends alone, but to him individually. His opponents said, that if he was defeated in that contest there was an end of his career as a public man; and that once removed from the public eye, and in retirement, both the man and his history would be speedily forgotten. This sentiment, though not avowed, I know was shared in some degree by his warmest friends, and I was curious to see how a man, whose public course for a quarter of a century had been one of uniform and unvarying success, would bear a reverse which stripped him in a moment of his employments, and consigned him inevitably to retirement. I observed him closely during a conversation of an hour and a half, and was fully impressed, by his language and demeanor, that he was not only a great statesman, but a profound philosopher. Not the least appearance of mortification or disappointment was visible. His manner and conversation were of the same cheerful, affable kind which always characterized him, and neither more nor less so. There was no affectation of indifference to the result—no desire on his part to turn the conversation into other channels than the then engrossing topic—no word of censure or reproach for those of his own party who had abandoned him in the struggle—no disparagement of his competitor, or the opposing party. He inquired for the news we brought in his usual smiling, pleasant manner—spoke of the probable returns from counties not then heard from—and all in a manner, which, to an observer that did not know him personally, would have appeared only like the natural interest a statesmen, who had been long retired from active life, would feel in political events which had long since ceased to have for him any personal concern.

"I left that interview, the last I ever had the honor of having with him, more deeply impressed than ever with the conviction, that with all the great and noble qualities which elevate, dignify, and adorn human nature, Silas Wright was pre-eminently endowed. He was truly a great man."

G. W. LITTLE."

The writer of the above letter is Dr. Little, late a canal commissioner, who, as between the two sections of the democratic party, was regarded as a hunker. We forbear to speak further of the evidence of true greatness which the philosophical calmness and quiet of Gov. Wright afforded on this interesting occasion. The plain facts, truthfully related by Doctor Little, are his best eulogy.

When the war against Mexico, in the spring of 1846, was commenced, it was believed it would be of short duration. One of the avowed causes of the war was the spoliations committed on the commerce of the United States, and a refusal or neglect on the part of Mexico to make compensation to our citizens for those injuries. All were convinced of the absolute inability of the Mexicans to pay in cash a sum sufficient to furnish the required indemnity. It was therefore evident, that if indemnity was obtained, it must be by a grant of territory by Mexico, other than that included within the true boundaries of Texas. No doubt, at that time the president desired to acquire possession not only of Upper California, the annexation of which would be highly advantageous to the United States on account of its ports on the Pacific ocean, but of a part, if not the whole of New Mexico. To effect this object, and to facilitate negotiations for a peace, the president required of congress that the sum of two millions of dollars (afterwards increased to three) should be placed at the disposal of the executive government. Towards the close of the session of 1846, which continued into the summer of that year, a bill was introduced into the house of representatives granting the president the sum demanded, in pursuance of his recommendation. Previous to this, con-

gress had granted men and money for the purpose of prosecuting the Mexican war, to an amount quite as large, if not larger, than was asked for by the national executive. But when the bill for granting the last sum requested by the president was under consideration in the house of representatives, Mr. Wilnot, an active and resolute member from the state of Pennsylvania, offered the following amendment to it, subsequently known as the WILMOT PROVISO.

"Provided, That there shall be neither slavery nor involuntary servitude in any territory on the continent of America, which shall hereafter be acquired by, or annexed to the United States, by virtue of this appropriation, or in any other manner whatsoever, except for crimes, whereof the party shall have been duly convicted. Provided always, That any person escaping into that territory, from whom labor or service is lawfully claimed in any one of the United States, such person may be lawfully reclaimed and carried out of such territory to the person claiming his or her service."

The object of the recommendation of the president, and of the bill as originally drawn, could not be mistaken. It was to *purchase territory* from a foreign government. In Mexico neither slavery nor involuntary servitude was permitted, and the question presented by Mr. Wilmot's proviso was, whether congress should grant money to the president for the purpose of purchasing free territory with a view to the establishment of slavery in it. The proviso was adopted by the house, every member from the state of New York voting for it; but it was not sent to the senate until within a very few days of the close of the session. When it came to that house one of its members commenced a speech, which he prolonged, evidently for the purpose of "*talking against time*," to such an extent, that final action on Mr. Wilnot's pro-

viso was rendered impossible, and the bill to which it was attached failed of becoming a law during that session.

On the 4th of January, 1847, during the next session of congress, Mr. Preston King, a democratic member of congress from the county of St. Lawrence, justly distinguished for independence, firmness, and talents, brought in a bill granting the money to the president which he required, and which contained the Wilmot proviso.

In explaining his object in introducing the bill, Mr King said—

"Sir, in proposing to introduce that bill, I had no intention to interfere with or to anticipate the action of the standing committee from which it came to the house at the last session, but was governed solely by the desire to bring the subjects presented by the provisions of the bill to the early consideration and action of the house. The bill embraces two principal features—one placing an amount of money at the discretion of the president, to be used in negotiating a peace with Mexico, if an opportunity shall occur when the president should deem it proper to use this money in negotiating a treaty of peace; the other excluding slavery from any territory which the United States may hereafter acquire, being the provision offered by the honorable gentleman from Pennsylvania, [Mr. Wilmot,] and adopted as a part of this peace measure by the house of representatives in August last. I will frankly say, that if I had not supposed that there was a disposition in some quarters silently to give the free principle of the Wilmot proposition the go-by, and, by smothering and avoiding action upon it, to give further extension to the dominions of slavery at the expense of free territory, I should not at this time have brought forward this bill. The president recommended, and reiterates his recommendation, of a law granting the two millions.

"If coupled with the Wilmot proviso, I would cheerfully grant the money. But I would have the free principle of the Wilmot proviso enacted into law, whether this bill passes or

not. The time has come when this republic should declare by law that it will not be made an instrument to the extension of slavery on the continent of America. That the boundaries, institutions, and principles of our republic must and will extend, there can be no doubt. The present war with Mexico must result in an extension of the territory of the United States. A peace, honorable to this country, cannot be concluded without indemnity from Mexico in territory. It is whispered, that it will not do to propose a law that any such territory should be free, because a southern administration will take no territory, unless it shall be so arranged that the territory shall be open to slavery. I will not listen to or harbor so monstrous an idea.

"Every inch of Texas was yielded to slavery. I know that it was reluctantly yielded to the possession of slavery by many who supposed the acquisition of Texas might be hazarded by any dissension about the terms so strenuously insisted upon by the representatives of the slave states; but, with Texas, the extension of slavery, it was supposed, would stop. It was hoped the South would not desire to carry it where it does not now exist. Is this so? The two millions are distinctly, urgently, and repeatedly recommended by the president to be appropriated. There is no other purpose for which this appropriation can be wanted except in connection with a cession of territory by Mexico. Mexico already owes us unpaid indemnities for acknowledged and adjudicated spoliations on our commerce. I repeat, we must have territory from Mexico; and there can be no harm or impropriety in stating what circumstances and every action of our government proclaim to the world as clearly and as unerringly as words could do.

"Shall the territory now free which shall come to our jurisdiction be free territory, open to settlement by the laboring man of the free states, or shall it be slave territory, given up to slave labor? One or other it must be; it cannot be both. The labor of the free white men and women, and of their children, cannot, and will not, eat and drink, and lie down, and rise up, with the black labor of slaves; free white labor will

not be degraded by such association. If slavery is not excluded by law, the presence of the slave will exclude the laboring white man. The young men who went with their axes into the forests, and hewed out of the wilderness such states as Ohio, and Indiana, and Michigan, and Illinois, and Iowa, and Wisconsin, would never have consented, in the workshops or in the field, to be coupled with negro slaves. These powerful commonwealths have sprung up in the great West within the memory of a single generation—free, populous, and flourishing, by the wisdom of the legislation of the men of the Revolution. One act of this government did more for them than all other acts of legislation. It was the ordinance of July, 1787, by which slavery and involuntary servitude, except for crime, was forever prohibited in all the territory of the United States north and west of the Ohio river. The brave and patriotic generation who achieved our independence, and established the republic, did not hesitate about passing such an act. They thus saved these now populous and powerful states from the evils of slavery and a black population.

"Shall we hesitate to do the same thing for territory where slavery does not now exist? I trust not. The man who has wealth or credit to purchase a plantation, and become the owner of slaves, may settle and reside without social degradation in a country where slavery exists. Not so with the laboring white man. He cannot go without social degradation, and he therefore will not go. He is excluded quite as effectually as he could be by law. The mere presence of slavery, wherever it exists, degrades the condition, the respectability, the character of labor. A false and mischievous public opinion regarding the condition and respectability of labor is produced by its presence; and false and recreant to his race and to his constituency would be any representative of free white men and women, who should by his vote place free white labor upon a condition of social equality with the labor of the black slave; equally false would he be who, upon any pretence, should, by inaction and evasion of the question, produce the same degrading result.

" The measure which I had the honor to propose, presented this subject to the house. I cannot, and of course do not, claim any originality in the principles of the bill; one feature of which comes from the earnest recommendation of the president in his special message to congress of the last session; the other from the motion of my friend from Pennsylvania, [Mr. Wilmet,] and the adoption of his proposition by the house, when the bill was considered and passed. The measure is again, in the annual message of the president at the opening of the present session, strongly recommended to the favorable attention of congress. The history of the measure is known to the house and the country. It passed the house of representatives at the last session, late on Saturday night next preceding Monday, the 10th of August, on which day congress had decided to adjourn at twelve o'clock at noon. Many other important bills were still pending in the senate, to be decided in the forenoon of Monday, and this bill, taken up in the last hour of the session of the senate, did not receive the final action of a vote upon its passage, but was lost by not having been voted upon, and without the decision of the senate. This measure, in a time of war, is recommended by the president, and should be acted on by congress as a peace measure, and is evidence to the country and to the world, that however vigorously it may be deemed just and proper to prosecute the war, while war, or cause of war, exists, still the desire for honorable peace is a sentiment strong as ever with our government: and this measure, recommended by the president, is evidence that no intention exists, in negotiating a peace, to demand terms other than such as are honorable both to this country and to Mexico.

" Of the causes of the war, or the manner in which it commenced, it would scarcely be proper for me now to speak; even if it were, these topics have been discussed at very considerable length by those much more able to elucidate them than I am. I am one of those who believe a war with Mexico was inevitable after the annexation of Texas (upon the terms selected by President Tyler) should be consummated. Whether the alter-

native mode presented by congress, or any other mode or terms, would have avoided war, it is now, perhaps, useless to inquire. The annexation of Texas to the United States was believed to be desired by the people of both countries; and Texas was annexed. The right of annexation by two independent nations cannot be questioned. But to obtain possession of Tamaulipas and Chihuahua, between the Nueces and the Rio Grande, where the Mexicans held disputed possession, and to get Santa Fé, where the Mexican authorities and people held undisputed possession, the use of force was necessary. The use of force between nations, to decide a disagreement between them, is war.

"The use of force and of military power was necessary, I repeat, to expel the Mexican authorities from all of these provinces claimed by Texas, unless Mexico should cede them by negotiation. But Mexico not only refused to abandon Tamaulipas and Chihuahua, between the Nueces and the Rio Grande, and Santa Fé, on the north of Texas, but she even asserted a claim upon Texas itself; and declared that the annexation of Texas to the United States would be regarded by her as an act of war on the part of the United States against Mexico. When measures for the annexation of Texas were adopted by our government, Mexico withdrew her minister from Washington, refused to renew negotiations, and prepared to wage war. In the valley of the Rio Grande, on the Texan side of that river, the armies of the two nations met, hostilities commenced, and actual war was waged. There can be no doubt of what is the duty of every good citizen of the United States in a state of war. The enemies of his country should be his enemies; her friends his friends. A cordial support and vigorous prosecution of the war should be sustained while the war lasts. The war should be terminated whenever an honorable peace can be obtained, and not before.

"The bill which I proposed, and still propose to introduce, looks to such a termination of the war. While its first feature—the two million appropriation—more clearly discloses what it would be in vain to deny, or attempt to conceal, that the acquisition of territory, at least of the Californias and New

Mexico, as an indemnity for the war, as well as for previous wrongs and injuries against our government and citizens, will be insisted upon by the government of the United States, but upon terms liberal and honorable to Mexico, it contains also a principle, in the provision proposed by my friend from Pennsylvania, more important than the war itself; a principle with which Mexico, in arranging her terms of peace has nothing to do, and with which I do not understand that it is proposed by anybody she should have any thing to do. It is no subject of treaty stipulation, unless the treaty-making powers of the two governments shall, of their own free will, choose to make it so. It is a question purely our own, and pertaining exclusively to the United States. This principle excludes slavery from any territory which may hereafter be added to this country. This principle I deem to be of vital importance, and should be very much gratified if it could receive the unanimous assent and approbation of congress. This, however, I do not expect. The same interest which pertinaciously insisted upon extending slavery over Texas, still desires, I apprehend, its further extension. This should not be so. For the existence of slavery in the United States, the government of the republic is not responsible. It was planted here while the country was colonies of Great Britain; and its existence or continuance is not a question for the government of the Union; it belongs exclusively to each state for itself.

"The bill proposed presents no question of abolitionism. It is the antagonist of abolitionism, denying any constitutional power in the federal government to meddle in any way with the existence of slavery within the limits of a state. No free state in the Union has ever held or asserted the right or authority of the federal government to abolish or interfere with slavery in any state. But while every free state has always maintained, and stands ready to maintain, the constitution and all its compromises, it cannot be supposed that the people of the free states will approve the exertion of the power of the federal government to extend indefinitely the institution of slavery over territory which is now free. With

the abolition of slavery the congress of the Union can have nothing to do; but it would be an equally wide departure from the constitution, and from every sound principle upon which our republican institutions are founded, that the government of the United States should be instrumental in extending slavery in any direction, or in converting free territory into slave territory. To avoid this result, it is necessary that congress shall provide by law against the existence of slavery in any territory which hereafter may become the territory of the United States, and which shall not be included within the limits of a state. Whenever any territory shall have obtained population sufficient for the formation of a state government, and shall have formed a state constitution, and been admitted into the Union as a state, then the responsibility of the federal government on the question of slavery, for that territory and people, thus admitted as a state, ceases.

"Then, say they who oppose the enactment of the Wilmot proviso, Why not let the question alone, and leave it to the states and the people themselves to determine whether the state shall be a slave state or a free state? This inquiry and reasoning is specious and plausible; but the simplest examination on the principles of common sense will show that it is unsound and false. If left alone, slaves more or less will be carried to the new territory, and if the country while it remains a territory should be settled by a population holding slaves, the new and additional question of abolition is presented, and in order to get a free state slavery must first be abolished. This embarrassment in a new community, without means to indemnify the owners, would be an obstacle almost insurmountable, and the new state would be very far from being free to choose between becoming a free state or a slave state. On the contrary, if the country, while it remains a territory, shall be settled by a free population, from which slavery is excluded, then, when a state government is formed, the state and the people would be unembarrassed by any pecuniary interests or questions of vested right, and be free to decide whether the state should be a free state or a slave

state. In order, then, to secure this freedom of choice to the state and to the people, slavery must be excluded from the country while it shall be a territory, and until it shall become a state.

"But I will not pursue the subject now. It must be obvious to all, as I think it will be acknowledged by all, that the character of the population in the territory will determine the character of the state, when that territory shall be erected into a state. If the territory has a slave population of only one-fourth or one-fifth of the whole number, it will be a slave state. If a free population while a territory, it will be a free state. Exclude slavery from all territory not within the limits of a state, and I am willing the territory shall determine for itself, when it becomes a state, what shall be its character. Many of the states in which slavery existed when the Union was formed have abolished the institution. No instance of any one of the states from which slavery has been excluded, can be found where the state or the people have determined to introduce slaves. If congress shall refuse, at this session, to make this free principle a law, the arms of the republic will conquer free territory upon which slavery will be planted. I desire the adoption of the free principle, because I believe it to be just to the free states, just to the white men who fight our battles, and who constitute the strength of the country in peace or war; because I believe it to be consistent with the principles of our government; and because I believe it will tend to improve the condition and character of labor in the whole country. And who will deny that, in a republic, it should be one of the chief objects of government to elevate and dignify the condition and character of labor? Unless this measure shall be brought before the house by a committee, or in some other way, I shall continue to urge the bill I proposed yesterday upon the attention of the house."

Mr. King might have added, that he and the friends who acted with him, had supported, by their speeches and votes, the grant of the most liberal sums of money

to defray the expenses of *prosecuting the war with Mexico*, and that they should continue to do so until an honorable peace was obtained : but that the grant of money for the *purchase* of free territory, with the intent of establishing slavery in it, presented another and an entirely different question.

The bill containing the Wilmot proviso again passed the house, but the proviso was struck out in the senate, and the bill finally passed without it. All the members of the house of representatives from the state of New York, save one, voted for the proviso.

While this question was before congress, the following resolutions passed both houses of the legislature of the state of New York, by the votes of nearly all the members. Those who voted against the resolutions were, we believe, all hunkers, except Mr. Flanders from Franklin, whom we have before noticed as a member of the Syracuse Convention :

" Resolved, That if any territory is hereafter acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable, fundamental article or provision, whereby slavery, or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

" Resolved, That the senators in congress from this state be instructed, and that the representatives in congress from this state be requested, to use their best efforts to carry into effect the views expressed in the foregoing resolution."

Some of the hunker presses, it is true, took ground against the proviso ; but it is worthy of remark, that all of them, so far as we recollect, admitted that the principle involved in the proviso was correct, and that when congress should legislate on the subject of the territories

which might be acquired by treaty, a provision, similar to that contained in the proviso, ought to be enacted.

Mr. Wright had not left Albany when these resolutions were before the legislature. He declared his cordial approbation of them. It has been suspected, that as Mr. King was the personal and political friend of Mr. Wright, his action in congress on the subject of the proviso was prompted by Gov. Wright. But however much Mr. King respected the opinions and confided in the judgment of Mr. Wright, he is not the man to act under the influence or promptings of any man. Besides, we have satisfactory assurances that Mr. Wright was entirely ignorant of Mr. King's intention to agitate the question in congress, until he read his published speech

On the subject of the proviso, Mr. Wright, in a letter to Mr. J. H. Titus, of New York, written in the month of April of that year, uses this strong and emphatic language :

" If the question had been propounded to me, at any period of my public life—' Shall the arms of the Union be employed to conquer, or the money of the Union be used to purchase territory now constitutionally free, for the purpose of planting slavery upon it'—I should have answered, No! And this answer to this question is the Wilmot proviso, as I understand it. I am surprised that any one should suppose me capable of entertaining any other opinion, or giving any other answer, to such a proposition."

Mr. D. S. Dickinson, the United States senator from this state, voted against the Wilmot proviso, notwithstanding the legislative resolutions we have copied; and, what is somewhat singular, made a speech, in which he attempted to convince the senate and the public that his vote was in conformity to the instructions of the

New York legislature, as expressed in the resolutions above set forth!

Bad weather, the want of snow to facilitate travelling in sleighs, and some business concerns, detained Gov. Wright longer in Albany, during the winter of 1847, than he had intended. He did not leave there until some time in the month of February, when his friends at Albany took an affectionate leave of him. Alas! they did not know, and therefore could not realize, that they were never again to meet him on earth—that this was their final and last parting. Our blindness to the future is one of the wisest and most benevolent provisions of Providence. “Sufficient unto the day is the evil thereof.”

A description of the plain and simple manner in which Gov. Wright travelled on his return home, will be found in the following letter, written to the author, and at his request, by a highly respectable, old, and uniform political and personal friend of the late governor.

“UTICA, Feb. 17, 1848.

“DEAR SIR—In pursuance of the request contained in your letter, it gives me great pleasure to state, that I was first introduced to Gov. Wright at Middlebury, in Vermont, in the year 1815, when, I believe, he was a member of the college in that town. I saw no more of him until he was elected to the senate of this state, and took his seat in that body, in the year 1824. From that time until the year 1846 we were very intimate, communicating with each other without the least reserve, and using perfect and unrestrained liberty in every thing which passed between us. And I can with truth and sincerity say, I thought more of that man than any man living. I never found a man more devoted to what he believed to be the true interests of his country, and of the people, than Silas Wright. He was always for preferring and serving his politi-

cal friends, but he never indulged this desire to oblige either political or personal friends at the hazard of the public weal, or the sacrifice of the interests of the masses.

"Gov. Wright, on his return to Canton, in the winter of 1846—alas! it was his last—passed through Utica. He, with his wife, arrived here in the cars about two o'clock in the afternoon. I met him at Bagg's hotel, and expressed to him a very earnest desire that he should remain overnight, as there were many of his friends in Utica who wished to visit him that evening: but having been detained much longer in Albany than he had anticipated, he replied, that he could not spare the time, and immediately hired a farmer by the name of Henry Neger, to take him and his baggage in a lumber sleigh to Canton. During his short stay in Utica he visited our lunatic asylum, and while he was gone the farmer and myself arranged his baggage—consisting of boxes, trunks, and a few fine farming tools, with which his friends at Albany had presented him—so as to make room for himself and wife to sit on the top of the load, as conveniently as we could. In this way the late governor left Utica, about five o'clock on the same afternoon he arrived there. This was the last time I ever saw my friend. I was afterwards informed by Mr. Neger, that the governor and his lady passed the night at his house, about four miles from this city, and after readjusting their baggage, they started the next morning about five o'clock, and on the third day arrived at Canton, all safe and in good order. Mrs. Wright carried a bird, in a cage, in her lap the whole distance.

"In this unostentatious and plain manner did that man travel, on whom the hearts of millions were at that moment fixed for the highest and most honorable office in America, (may I not say in the world?) and for whom, without distinction of party, the merchants of the greatest city in America were preparing a service of gorgeous plate, at an expense of from eighteen to twenty thousand dollars, to be presented to him in testimony of their respect for his talents and patriotism, and their gratitude for the services he had rendered our beloved country.



"I rejoice, my dear sir, to learn that we have one man who is disposed to perpetuate the name and fame of our great and good man, SILAS WRIGHT.

" I am, with great respect,

" Your obedient servant,

" JOHN E. HINMAN.

" To JABEZ D. HAMMOND, Esq."

We regret that our limits do not permit us to copy the whole letter of Col. Hinman, for it contains a striking instance of the firmness and indomitable resolution of Mr. Wright in resisting the blandishments, as well as the threats of the organized lobby, which in 1826 made a rush upon the senate, as we have heretofore related,\* to force through that house some dozen bank charters which had passed the assembly.

At the latter part of the long session of congress, in 1846, a bill had passed making appropriations to the amount of more than a million of dollars, to be expended chiefly in improving the harbors on the western lakes, and removing obstructions from rivers which might be rendered navigable. This bill was vetoed by the president, on the ground that the objects for which the money was to be raised were not recognised by the constitution, and on the ground that the money appropriated by the bill was necessarily required to defray the expenses of the war with Mexico. The veto produced considerable excitement against the president, especially in the western states and territories.

This excitement occasioned the call of a national convention of the friends of those improvements at Chicago, which was invited to meet on the fourth day of July.

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\* See Chap. III.

A most respectable committee was organized, who addressed letters of invitation to many of the distinguished men in the eastern, middle, and western states. Among other statesmen, Mr. Wright was invited to attend. His engagements prevented him from complying with the invitation. Courtesy, as well as universal custom, required of him a written reply to this invitation. Here then was an opportunity for an individual who had, by the expressed voice of a large portion of the people of the United States, been declared their first choice for chief magistrate of the Union, to throw out some lures to that great assemblage of highly influential men—coming from the east, the north, and the west, and, indeed, from the south, intent on the great project of the improvement of the harbors on our lakes, and the navigation of our rivers—to induce them to believe that he was the champion who would lead them on to a triumphant accomplishment of their magnificent projects. Does Silas Wright attempt this in his answer? Far from it. True, he evinces his conviction of the importance and utility of the projected improvement, and expresses an opinion that it is the duty of the general government to construct those works which are of national importance; but he more than intimates that those improvements which are for the benefit of localities, and not national in their character, should not be undertaken; and he proposes that congress should act separately and independently upon all applications, so that each case should stand on its own merits. This mode of proceeding, if adopted, would effectually prevent, so far as any general rule of action can prevent, all those formidable combinations, vulgarly, but very sig-

nificantly called "log-rolling," so pernicious to judicious, just, and fair legislation.

So obviously correct are the principles laid down by Mr. Wright in his answer to the committee, that several respectable public meetings, in this and other states in the Union, have declared their approbation of his views; and that they were in favor of improvements by the general government, according to the principles set forth by Mr. Wright in the letter to which we have alluded. We therefore think it our duty to present the following entire copy of that letter:

"CANTON, May 31, 1847.

"GENTLEMEN:—Your circular inviting me to attend "a Northwestern Harbor and River Convention," to be assembled at Chicago on the 1st Monday of July next, was duly received, forwarded by Mr. Whiting, of your committee. My attention had been previously called to the same subject by the invitation of a friend at your city, to attend the convention, and generously tendering me quarters in his family during its sitting. I was forced, from the state of private business, to inform him that I could not make the journey at the time named, and the period which has elapsed since I declined his invitation, has only tended to confirm the conclusion pronounced to him. Were it possible for me to attend the proposed convention, without an unreasonable sacrifice, I should most gladly do so, as my location gives me a strong feeling in reference to the prosperity and safety of the commerce of the lakes. The subject of the improvement of the lake harbors is one which my service in congress has rendered somewhat familiar to me in a legislative aspect, while my personal travel upon the two lower lakes has made the necessity for these improvements manifest to my senses. I am aware that questions of constitutional power have been raised in reference to appropriations of money by congress for the improvement of the lake harbors, and I am well convinced that honest men have sincerely entertained

strong scruples upon this point; but all my observations and experience have induced me to believe that these scruples, where the individual admits the power to improve the Atlantic harbors, arise from the want of an acquaintance with the lakes, and the commerce upon them, and an inability to believe the facts in relation to that commerce, when truly stated.

"It is not easy for one familiar with the lakes and the lake commerce, to realize the degree of incredulity, as to the magnitude and importance of both, which is found in the minds of honest and well-informed men, residing in remote portions of the Union, and having no personal acquaintance with either; while I do not recollect an instance of a member of congress, who has travelled the lakes and observed the commerce upon them, within the last ten years, requiring any further evidence or argument to induce him to admit the constitutional power, and the propriety of appropriations for the lake harbors, as much as for those of the Atlantic coast. I have long been of the opinion, therefore, that to impress the minds of the people of all portions of the Union with a realizing sense of the facts as they are, in relation to these inland seas, and their already vast and rapidly increasing commerce, would be all that is required to secure such appropriations as the state of the national treasury will from time to time permit, for the improvement of the lake harbors. I mean the improvement of such harbors as the body of the lake commerce requires for its convenience and safety, as contradistinguished from the numerous applications for these improvements which the various competing local interests upon the shores may prompt; and I make this distinction, because my own observation has shown that applications for harbor improvements, at the public expense, are made and passed, within distance of a very few miles, and at locations where, from the natural position of the lake and coast, a good harbor at either point would secure to the commerce of the lakes all the convenience and safety of duplicate improvements. Much of the difficulty of obtaining appropriations grows out of these conflicting applications, and the sternness with which all are pressed as necessary to the lake com-

merce, impairs the confidence of strangers to the local claims and interests, in the importance of all.

"It is the duty of those who urge these improvements for the great objects for which alone they should be made at the expense of the nation, viz., the convenience and safety of the lake commerce, to be honest with congress, and to urge appropriations at points where these considerations demand them. The river improvements constitute a much more difficult subject, and the connection of them with the lake harbors has often, to my knowledge, fatally prejudiced the former. There are applications for improvements of rivers, about which, as a matter of principle and constitutional power, I have no more doubt than about the harbors upon the lakes, or the Atlantic coast; and there are those which, in my judgment, come neither within the principle nor the constitutional power; but to draw a line between the two classes of cases, I cannot. I have witnessed numerous attempts to do this, but none of them have appeared to be very sound, or very practical. The facts and circumstances are so variant between the various applications, that I doubt whether any general rule can be laid down which will be found just and practical; and I think the course most likely to secure a satisfactory result, with the least danger of a violation of principle, would be for congress to act separately and independently upon each application. There has appeared to me to be one broad distinction between these cases which has not always been regarded, but which I think always should be. It is between the applications to protect and secure the safety of commerce upon rivers, where it exists and is regularly carried on in defiance of the obstructions sought to be removed, and in the face of the dangers they place in its way, and those applications which ask for improvement of rivers, that commerce may be extended upon them, where it is not. The one class appear to me to ask congress to regulate and protect commerce upon rivers where commerce in fact exists, and the others to create it upon rivers where it does not exist. This distinction, if carefully observed, might aid in determining some application of both classes; but it is not

a sufficient dividing line for practical legislation, if it is for the settlement of the principle upon which all such applications should rest. I use the term ‘commerce’ in this definition, as I do in this letter, in its constitutional sense and scope.

“I must ask your pardon, gentlemen, for troubling you with so long and hasty a communication, in reply to your note. It is not made for any public use, but to express to you, very imperfectly, some of my views upon the interesting subjects you bring to my notice, which I shall not have the pleasure of communicating in person,—and to satisfy you that I am not indifferent to your request.

“Be pleased to accept my thanks for your polite invitation, and believe me,

“Your very respectful and ob’t serv’t,

“SILAS WRIGHT.

“Messrs. J. N. JUDD and others, Committee, &c.”

The state agricultural fair for 1847 was ordered to be held at Saratoga Springs in the month of September, and Mr. Wright was appointed to deliver the address to the society on that occasion. He accepted the appointment, and prepared an address, which he completed on the evening before his death. This was his last public communication. He died before the day appointed for the fair. The address, nevertheless, at the special request of the managers, was read to the society, and to the immense audience congregated at that magnificent exhibition, by Gen. Dix. That gentleman, before reading the address, submitted some brief but appropriate and impressive remarks on the character, services, talents, and lamented death of its author, in his happiest and best style and manner.

The traits of the philosophical and great mind of Gov. Wright are visible in every line of this address. It has

been published and extensively circulated, and ought to be, and, it is presumed, has been, generally read.

The mutual connection and dependence of agriculture, commerce, and manufactures, with and upon each other, is shown in the address with that clearness which distinguishes all he ever wrote or uttered.

"The agriculture of our state," says Gov. Wright, "far as it yet is from maturity and perfection, has already become an art, a science, a profession, in which he who would instruct must be first himself instructed far beyond the advancement of him who now addresses you.

"The pervading character of this great and vital interest, however; its intimate connection with the wants, comforts, and interests of every man in every employment and calling in life; and its controlling relations to the commerce, manufactures, substantial independence, and general health and prosperity of our whole people, present abundant subjects for contemplation upon occasions like this, without attempting to explore the depths, or to define the principles of a science so profound, and, to the uninitiated, so difficult, as is that of agriculture.

"Agricultural production is the substratum of the whole superstructure—the great element which spreads the sail and impels the car of commerce, and moves the hands and turns the machinery of manufacture. The earth is the common mother of all, in whatever employment engaged; and the fruits gathered from its bosom are alike the indispensable nutriment and support of all. The productions of its surface and the treasures of its mines, are the material upon which the labor of the agriculturist, the merchant, and the manufacturer, are alike bestowed, and are the prize for which all alike toil.

"The active stimulus which urges all forward, excites industry, awakens ingenuity, and brings out invention, is the prospect or hope of a market for the productions of their labor. The farmer produces to sell; the merchant purchases to sell; and the manufacturer fabricates to sell. Self-consumption of their respective goods, although an indispensable

necessity of life, is a mere incident in the mind impelled to acquisition. To gain that which is not produced or required, by the sale of that which is possessed, is the great struggle of laboring man."

In the course of his remarks he shows that the agricultural productions of this country exceed the demand for consumption by its inhabitants; and that such is the extent of our territory, and its fertility, that if the ground is properly cultivated, and its productive powers fully put in requisition, considering the vast quantity of uncultivated land contained in the national domain, a large surplus for an indefinite period of time to come, may and ought to be raised for foreign exportation; and he concludes by saying—

"The prospect in future is full of cheering promise. We see in it the strongest possible security for our beloved country, through an indefinite period, against the scourge of famine. Our varied soil and climate and agriculture double this security, as the disease and failure of any one crop will not, as a necessary consequence, reduce any class of our population to an exposure to death from hunger. We see also, in addition to feeding ourselves, that our surplus is almost, if not altogether, sufficient, if faithfully and prudently applied, even now to drive famine from the length and breadth of Europe; and that it is in our power, by faithful mental and physical application, soon to make it equal to the expulsion of hunger from the commercial world. We see that, dependent upon the commercial markets, our agriculture may bring upon our country a high degree of prosperity, and enable us, when extraordinary occasions shall call for its exercise, to practise a national benevolence as grateful to the hearts of the humane as to the wants of the destitute. And we see that, by the wider diffusion and more secure establishment of a successful agriculture among our citizens, as a permanent employment, we are laying broader and deeper the foundations of our free

institutions, the pride and glory of our country, and prized by its freemen as their richest earthly blessing ; the history of all civil governments, confirmed by the experience of this republic, furnishing demonstrative proof that A WELL-EDUCATED, INDUSTRIOUS, AND INDEPENDENT YEOMANRY ARE THE SAFEST REPOSITORY OF FREEDOM AND FREE INSTITUTIONS.”

These were the last words addressed by SILAS WRIGHT to his fellow-citizens. They are worthy of the statesman and patriot who uttered them. How deeply ought they to sink into the hearts of his countrymen !

After the reading of the address had been concluded, the Hon. John A. King, of Queens county, offered the following resolution—

“ Resolved, That the eloquent address which has just been read, be printed; and that the president be requested to ask the permission of Mrs. Wright to retain the original draft of the address, to be placed in the archives of the society; and to express to her at the same time the deep sympathy and regret which is felt by all its members for the irreparable loss which has so suddenly overwhelmed herself and the state in a common grief.”

Lewis F. Allen, Esq., on seconding the motion to adopt Mr. King’s resolution, moved the following resolutions—

“ Resolved, That in the death of Silas Wright, late governor of this state, the New York State Agricultural Society have lost a friend, benefactor, and honored and useful member, and the community an illustrious example of republican simplicity in private, as well as of inflexible honesty and great capacity in public life.

“ Resolved, That a committee of this society be appointed by the president thereof, to prepare a brief memoir illustrative of his character, his virtues, and his eminent public services, for publication with the address delivered on this occa-

sion, in their transactions for the year 1847,—a duty the more gratefully performed, as the last public act of his life was one of beneficence to the farmers of his country."

These resolutions were unanimously adopted.

After Mr. Wright returned to Canton he devoted himself entirely to the cultivation of his little farm; and all that part of his time which was not occupied in answering the letters of his friends and in carrying on his correspondence, which was now extended through the Union, was employed in actual manual labor. His habits were the same as in the first part of this work we have described them, unchanged and unchangeable. He was the same kind neighbor, the same judicious and wise mentor to all, whether in high or low life, who consulted him, the same unpretending and quiet citizen; and the sick and dying again saw him watching at their bedside in the gloom of night; they again saw his placid countenance, beaming with benevolence, bending over them, and heard him whisper words of hope and comfort. We shall not repeat or attempt to amplify what we have written on that subject. But an intelligent and highly respected neighbor and friend, a gentleman who not only possesses a mind richly stored with the choicest literature, but who is a practical man and looks deeply into the human character, who visited Gov. Wright but a few days before his death, has favored the author with a letter in which the residence of the late governor and the village in which it is situated is so graphically described, and the great man himself exhibited to us by a portraiture so truthful and yet so vivid, that we have obtained his consent for its publication, and we now have the pleasure of presenting it to our readers—

"CHERRY VALLEY, March 31, 1848.

"DEAR SIR—In reply to your note, requesting me to give you an account of a call I made on the late Gov. Wright, last summer, at his residence in Canton, I send you the following statement, in the hope that it may be of some interest, so far as it shows the habits and mode of life at home of that eminent man.

"Canton is a very remote, inaccessible village. The routes to it, via Oswego or Montreal, about four hundred miles in length from Albany, are often preferred to the stage route from Rome, in length from Albany about two hundred miles. The village contains about eight hundred inhabitants, and is built in the plainest manner, with little of that display of architecture which is usually to be seen in like villages, particularly in the western counties of the state. The manners and style of living of the citizens I should judge to be equally unpretending. Gov. Wright's is a small wooden house, situated directly in the village, as common in its outward appearance, in every respect, as the dwellings of his neighbors.

"I was there one sultry day in June last, and on inquiring for the governor, was told that he was on his farm at work. I went to him, and found him hoeing in a field of potatoes. In his dress as well as occupation he looked in every particular the common laboring farmer. He paused from his work as I addressed him, and leaning on his hoe, and wiping from his face the perspiration caused by an intensely hot sun, received me with his usual ease and propriety of manner and language. Elegance of speech from Gov. Wright, in Albany or Washington, was not to be wondered at, but I must say, that in the course of his conversation, in spite of my previous knowledge of the man, I was in a measure surprised to hear it from him as he then stood before me, apparently a laboring farmer, in a lonely field, near the verge of the northern wilderness, with the tools and evidence of unostentatious and hard toil around him. He directed his remarks chiefly to the object of my visit to the county, and when talking, would occasionally make a few strokes with his hoe, so that while I was with him he finished one or two hills of potatoes in the most thorough

manner, carefully pulling out the *quack* with his fingers, and extirpating every thistle and weed. He said that his farm contained between one and two hundred acres, that he usually labored with his men, but did not accompany them that morning because he could not suffer the potatoes longer to be neglected.

" During the summer of 1844 I had heard of Governor Wright's habit of laboring on his farm, and I had supposed that he indulged in it occasionally only for recreation and exercise, like many other gentlemen living in the country, but in this interview I was satisfied that he was emphatically a farmer in the common way, laboring daily and all day, and shunning none of the drudgery and toil of the business. I was convinced, also, by my own observations and by the remarks of his townsmen, that this practice was not adopted for effect abroad, and that it would be absurd as well as unjust to suspect him of so unworthy a motive. It is not uncommon for statesmen to retire from office to agriculture, but they have always, I believe, like Lord Bolingbroke, attempted to adorn and magnify the business by a parade of philosophy, or else have solaced themselves in their retreat with the refinements and luxuries of wealth. We may read, indeed, of statesmen putting off the robes and etiquette of office for the dress and manners of the artisan and farmer, in unaffected contentment and peace, though I am sure it has been commonly thought that the picture was a fable; or if ever a fact, that it must have been so only in the barbarous and primitive days of Roman or Grecian virtue; but here I saw it before me in reality, and though I am not inclined to hero worship, I was impressed with the thought that I was witnessing a scene which the poets and philosophers of the world have always admired as exhibiting exalted, though they may have believed it to be ideal, integrity and greatness of soul. Gov. Wright that day, when laboring in that obscure field, was perhaps the most conspicuous man in America, and the contrast the fact affords, in popular estimation, must tend to give peculiar and historical interest to his character.

" I am truly yours,  
" HON. J. D. HAMMOND."

O. A. MORSE.

Let Governor Wright himself tell us how highly he enjoyed this quiet and retired life. In his letter to Gov. Fairfield, of Maine, dated at Canton the 11th August, but sixteen days before his death, he says:—

"If I were to attempt to tell you how happy we make ourselves at our retired home, I fear you would scarcely be able to credit me. I even yet realize, every day and every hour, the relief from public cares and perplexities and responsibilities, and if any thought about temporal affairs could make me more uneasy than another, it would be the serious one that I was again to take upon myself, in any capacity, that everpressing load. I am not, however, troubled with any such thought, and am only occasionally a little vexed that I am constantly suspected of cherishing further vain and unreasonable ambition."\*

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\* Since this chapter was written the author received the following beautiful paragraph, composed by Gov. Wright after his return to Canton, for the amusement and instruction, and at the request of his niece, then less than thirteen years old.

If Gov. Wright had lived and died a stranger to the people of this state and nation, this brief essay on "The Flowers of the Spring," written for a little girl, would have convinced all who read it of his exquisite perception of the beauties of nature, and of the purity and elegance of his mind, which could find "sermons" in flowers, and "good in every thing."

"The season of flowers is beginning to open in this northern climate, and who is not fond of their quiet beauty and sweet fragrance? The early spring brings forth the modest wild-flower of the hillside, which blooms for its season, and fades and withers away, and gives place to its successor, and it to another, and another, in a regular succession, until the frosts of autumn close the series. Each succession, in its day, is equally perfect in form and beauty, and tint and fragrance, according to its nature and race,—all equally displaying the wonderful perfection of that Almighty Power which has created all things, from the world we inhabit to the rose and the violet.

"How strikingly emblematic of human life are the flowers of the garden and the field! One is low and modest and simple; another is towering and gaudy and ostentatious. One is delicate in tint and rich in fragrance; another is glowing in colors, but wholly scentless. One is hardy and enduring under almost any change of the seasons; another is delicate

But while he was enjoying these quiet scenes of life, secluded from the political storms and hurricanes which howled around him, a mysterious Providence permitted the angel of death to visit him. He died on the 27th day of August.

It is remarkable how large a proportion of Americans highly distinguished for their talents and intellectual vigor, have died almost instantaneously, evidently by some sudden affection of the heart or the brain. De Witt Clinton, Thomas Addis Emmet, Mr. Webster, the brother of Daniel Webster, Henry R. Storrs, Silas Wright, and John Quincy Adams, besides many others, have in this way seen "the last of earth." Whether great mental power, does not occasion a disproportionate action between the nervous and vascular systems, is an inquiry which well merits the attention of learned physiologists.

The Hon. J. Leslie Russell, of Canton, the intimate and confidential friend of Gov. Wright, in a letter, dated on the day of his death, to Comptroller Flagg, thus describes the closing scene of the life of the great statesman :

"About eight o'clock this morning, Mr. Wright came to the post-office for his mail. He was in apparent good health

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and sensitive, and shrinks from the shade and withers at the touch. Yet all spring up and bloom, and fade, and die, some in one stage of existence and some in another.

"So with human life. The shades and casts of character are as various as the tints and fragrance of the flowers, and all bloom, and fade, and die,—some in infancy, some in the budding season of youth, some in mature life, and some by the frosts of age : but all, all die, and, as with flowers, the autumn and winter of years close the series with one generation to make room for another, and another, and another.

"S. W.

"Canton, April, 1847."

and spirits—took his letters—sat down—opened one from Horace Moody—read it partly through—laid it down, with other letters—turned very pale, and said to a friend present, ‘I feel quite ill.’ The friend says, ‘Your countenance shows that you are sick: shall I call a doctor?’ Mr. Wright declined having the physician sent for, saying that he had had two or three such turns before, and soon got relief. He complained of a painful sense of suffocation about the heart. His friends present felt alarmed, and sent the third time for a physician before he came. Full one hour he sat in the post-office, conversing with persons present, who felt intense anxiety about his health—he assuring them that he should soon be better.

“The physician came to the post-office, gave him a mild anodyne, and a friend asked him to permit him to accompany him to the house. Mr. Wright says, ‘Yes, and I will thank you to go with me: Dr. Clark, you come too.’

“He walked calmly as usual to his house, the friend and doctor in company—laid down upon a bed with his clothes on, saying that he thought the medicine did not relieve him. The doctor gave orders for the application of drafts and other remedies, and left him. About ten o’clock, A. M., he died, as is supposed, from a rush of blood to the head.

“Only last evening, Mr. Wright was employed in writing an address to the State Agricultural Society, to be delivered at Saratoga next month.

“The proximate cause of the sudden attack which has carried off our friend, is, too severe labor on his farm during the recent hot weather. He was, to my knowledge, aware of a tendency to apoplexy. His diet had been very simple, and he supposed that labor in the open air was the best antidote against the plethoric tendency of his constitution.

“Yesterday I attended a funeral with him, and walked with him to the grave. He spoke of apoplexy in connection with the death of a friend from that disease, in a manner which induced me then to believe that he had a premonition of this dire calamity.”

To this unadorned narrative of the “sudden wrench

from life's meridian joys" of one of the greatest men of the age, we shall only add a single sentence, which we quote from the eloquent "Discourse" of the Rev. Dr. Sprague, which he delivered at the Second Presbyterian Church in Albany, on the death of Mr. Wright :

"At a moment," says the reverend orator, "when he has just completed his preparation for an important public service, and is making his arrangements to come among us again as a friendly visiter; oh, at this most unexpected moment 'his breath goeth forth?' It seemed to those who looked on as if it must be some fearful illusion that had overtaken them; or else as if the breath had gone only to come again: but it was no illusion;—it was no temporary suspension of the vital energy. Death, as if to show how he could sport with the strongest, had held that prince\* in his grasp but a few moments before he bid the agonized lookers on take notice how thoroughly he had done his work. And before the vital warmth has fled, the lightning is put in requisition to bear the heavy tidings over the land; and the sun, in whose morning beams our friend rejoiced, has not sunk beneath the horizon, before the state, I had almost said the nation, is putting on her habiliments of mourning, because she shall see his face no more."

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\* Dr. Sprague had selected for his text that beautiful passage from the book of Psalms, "Put not your trust in *princes*," &c.

## CHAPTER XXIV.

Proceedings on the Death of Mr. Wright, at Albany—New York—Tammany Society—State Legislature—Wisconsin—Presentation of Plate by the New York Merchants to Mrs. Wright—Funeral Sermon by Mr. Johnson—Remarks on the Character of Silas Wright.

NEVER did the death of a private citizen of the state of New York produce a sensation, throughout all ranks and every part of the community, so intense as the sudden death of Mr. Wright.

The common councils of the cities of New York and Albany, as soon as the melancholy news reached those cities, immediately assembled to express their respect for his character and merits, and their regret for the loss which the public had sustained by his death. The flags of the shipping in the port of New York were displayed at half-mast. The city of Albany set apart a day on which funeral honors should be paid to the deceased; and the adjutant-general of the state, in pursuance of the directions of the governor, ordered that the national colors should on that day be displayed on the capitol and state arsenal, and that minute guns should be fired from 12 to 2 o'clock. The Tammany Society of New York passed resolutions expressive of "its high respect for the distinguished dead," and that its members should wear the usual badge of mourning for thirty days.

On the 9th of September Gov. Young addressed to the legislature of this state, who, in pursuance of an adjournment previously made, had assembled on the pre-

ceding day, the following special message, equally creditable to himself and honorable to the memory of his great competitor at the last election :

“EXECUTIVE CHAMBER, }  
Albany, Sept. 9, 1847. }

“TO THE LEGISLATURE—

“SILAS WRIGHT, the late chief magistrate of this state, died at his residence in Canton, in the county of St. Lawrence, on the 27th day of August last.

“Although scarcely arrived at the meridian of life, he had not only held the office of governor of this state, but had discharged, with singular ability, the various duties pertaining to the offices of state senator, comptroller, and senator in the congress of the United States.

“As a statesman he occupied a high place among the distinguished public men of the age.

“In private life he enjoyed, in an eminent degree, the respect and esteem of those to whom he was personally known.

“Although his name will go down to posterity without the aid of official records, his eminent public services and great private worth render it proper that I should thus announce to you his death, to the end that such measures may be adopted as are demanded by the deep feeling that pervades the community.

“JOHN YOUNG.”

When this message was communicated to the legislature, a joint committee of the two houses was appointed, who reported resolutions highly laudatory of the talents, services, and patriotism of the late governor, and directing that the members should wear badges of mourning and grief. Mr. Perkins, from St. Lawrence, in the assembly, and Mr. J. A. Spencer, in the senate, delivered impressive and eloquent eulogies on the deceased states-

man, who had been so long known to the public, and so highly appreciated by his fellow-citizens.

The most respectable public journals throughout the nation joined in the general lamentation, and public bodies in several of the other states of the Union manifested their esteem for Gov. Wright, and their deep regret for the loss which the nation had sustained by his untimely death. The Young Men's Democratic Association of the city and county of Philadelphia assembled, and, on their invitation, the Hon. Henry D. Gilpin, attorney-general of the United States, delivered an eloquent eulogy upon Mr. Wright. Even at the far West, in the (then) territory of Wisconsin, Gov. Dodge, in his annual message to the territorial legislature, thus speaks of the deceased patriot :

" Since the last annual session of the legislative assembly, SILAS WRIGHT, a great statesman of the Empire state of the Union, has fallen by the hand of death, in the meridian of his life and usefulness to the country. When a member of the United States senate, he was an able supporter of the rights of the people of Wisconsin. He was in favor of a system of policy, tending to promote her agricultural and commercial interests. He was a firm patriot, a sagacious statesman, a friend of equal rights and universal freedom. For his self-sacrifices as a politician for what he believed would promote the best interests of his country, he has justly been called the 'Cato of America.' "

To which the legislature responded by the adoption of the following appropriate resolution :

" Whereas, The dignity and power of a state, no less than the prosperity and happiness of its people, depend, in an eminent degree, upon the wisdom, integrity, and patriotism of its citizens. And whereas the legislative assembly of Wisconsin recognise, in the life of the late Silas Wright, of New York, all

that could adorn and dignify the character of the citizen, the statesman, and the patriot ; therefore, be it

"Resolved. By the council and house of representatives of the territory of Wisconsin, That in his death the nation has lost one of its brightest ornaments, the commerce of the West one of its ablest advocates, Wisconsin one of its warmest friends and supporters, and the cause of universal freedom one of the boldest and most incorruptible of its champions."

We have heretofore alluded to the fact, that previous to the death of Gov. Wright, the merchants of the city of New York had commenced preparing a splendid suit of plate to present to him. He died before the workmen had completed the manufacture of it.

After his death, the merchants determined to deliver the plate to Mrs. Wright ; and Gen. Dix was appointed to receive, in her name, the magnificent donation. It is reported that the value of the plate was from eighteen to twenty thousand dollars. It was delivered to Gen. Dix, by a committee of merchants, on the 18th of November. On that occasion Mr. John D. Van Buren, a member of the committee, made a brief address, which was so exceedingly appropriate, and highly finished in style and manner, and so enriched with just and patriotic sentiments, that we wish our limits would permit us to copy the whole of it.

"We have," said Mr. Van Buren, addressing General Dix, "asked you to meet us this evening to receive, in behalf of Mrs. Wright, this service of plate. It was prepared as a gift from the merchants of this city to Silas Wright. His death prevented the fulfilment of our wishes.

"An occasion to which we looked forward as one of high and unmixed pleasure, Providence has deereed should be a sad one. We hoped to tell him our high estimate of his public services—that we shared in the confidence and pride with

which the people of this state regarded him ; that in this busy mart of commerce, devoted to gain, his simple, earnest, truly republican character, was known and appreciated. We can now only with pain think of his noble qualities. They remind us of the sad loss the state and the country have suffered.

" His character was one singularly attractive to our people, retaining, to the last, qualities most apt to be worn away in the struggles of public life. Modest, simple in his manners, gentle, true to his friends, true to his duties, utterly unselfish, he secured the confidence and affection of the people."

The following beautiful paragraph concludes the address :

" To you, who were his friend, his well-esteemed friend, we confide the task of conveying our gift to the widow of Silas Wright. We can offer with it no consolation but the poor one, that she is not alone in her sorrow ; the blow which fell with its chief intensity upon her, was felt deeply, widely, throughout the nation. Convey it to her in token of our lasting remembrance of him, and of the high regard in which we must ever hold her, whom he chose to be his nearest friend in life, and who has the deepest interest in that fame which is all that is left to her and to the country, of Silas Wright."

Mrs. Wright subsequently acknowledged the receipt of this rich and valuable present by the following note, addressed to Gerardus Boyce, Esquire :

" CANTON, January 22, 1848.

" DEAR SIR :—In your letter of the 26th November, communicating to me the arrangement you had made for the delivery of the service of plate, designed to have been presented to my lamented husband, you desire to be informed of its safe transmission and delivery to me.

" My brother, Mr. Horace Moody, arrived at Canton on the 15th of January instant, and brought with him this rich testimonial of esteem and friendship for him whose death has left

me desolate. If any thing could alleviate the weight of my affliction in the loss of all that was really valuable to me in life, it would be the constant proofs that my grief is shared by true and faithful friends, to many of whom I am personally a stranger.

"This service of plate, valuable for the massive richness of the material, is still more valuable for the rare beauty and mechanical skill displayed in its manufacture; but its chief value to me is, that it is an evidence of the esteem and friendship of the donors for one whose memory is all that is left to me on earth.

"To you, sir, and to the gentlemen with whom you have been associated, and who selected you as their agent to prepare this token of friendship and esteem, designed for my departed husband, I can only give my sincere and heartfelt thanks.

"Yours, respectfully,

"CLARISSA WRIGHT."

The funeral of Gov. Wright drew together an immense concourse of people. "I attended his funeral," says a gentleman who resides in St. Lawrence county, in a letter to the author. "The concourse of people was greater than I have ever before witnessed in this county, (except our political assemblies.) It seemed as though each individual felt that *he* had lost a special friend, and was there a mourner. When his [Mr. Wright's] old friend and fellow-student spoke of him, the flow of tears was as universal in the audience as was the sense of hearing."

The gentleman referred to by our correspondent as the "old friend and fellow-student" of Mr. Wright, was the Rev. H. S. Johnson, from whom we have several times quoted. The funeral sermon of Mr. Johnson has been printed, and is before us. He selected for his text the beautiful passage contained in Isaiah, ch. xl. 6-8.

After a brief exordium, Mr. Johnson says—

"In view of the afflicting realities before us, even that cheerfulness which would be commendable in our ordinary avocations, would become criminal levity. Every thing tells that this is an occasion for serious and solemn meditation. The voice of God bids me cry that 'all flesh is grass, and all the goodliness thereof is as the flower of the field: the grass withereth, the flower fadeth: because the Spirit of the Lord bloweth upon it: surely the people is grass. The grass withereth, the flower fadeth; but the word of our God shall stand forever.'

"How affectingly are these divine declarations verified before our eyes! Only a few hours have passed since Governor Wright was with us, in all the buoyancy of firm health. If to any the sun of life might seem high and promise a long day, it was so to him. But that sun went down in a moment, and all is dark. The Great Architect bid the wheels of life stop, and no finite power can move them. Without flickering in the least, the lamp is extinguished, and the gloom is absolute—it is darkness that may be felt.

"Standing as we now do, where the widest prospects have instantly been enveloped with clouds, and where the highest hopes of all that is earthly have fled, our thoughts naturally turn back along the path through which Mr. Wright ascended to the most distinguishing honors and the most commanding influence.

"My acquaintance with this friend commenced in the year 1811. In early life we were treading together the halls of science. I knew him there as an industrious and diligent student, and as one of the most upright and sober young men. I say this from positive personal knowledge, and I say it firmly, because I have heard misapprehension intimate that Gov. Wright was then indulging in some excesses. He was there distinguished for moral honesty, and for an unbending regard to the truth. His inflexible attachment to truth and fairness was there, as it has been through all his life, proverbial. I have heard from those who could not be mistaken, that even

in the days of his earliest childhood, his regard to truth and fair dealing was known, and marked, and controlling. These principles, thus deeply infixed, did much in laying the foundation for his unexampled elevation in after-life.

"Mr. Wright graduated with honor and respect. Having completed his preparatory legal studies, and being licensed as an attorney, in October, 1819, he became an inhabitant of this town. The efficiency and success with which he conducted the business of his profession are too well known, and too vividly recollected, to require being repeated. One of his leading traits in his profession was to discountenance and do away all low and scurrilous litigation. \* \* \* \*

"There is something peculiar and extraordinary in the onward progress through which Mr. Wright ascended, amid accumulating honors and responsibilities. Without powerful friends, he secured, by his own unaided efforts, the patronage of the state and the nation. \* \* \* \*

"In the old world a nation is afflicted when their prince expires. But there the statesmen are organized and trained to fill the vacated space. In America it is different. Our nation is in its infancy—the experiment we are making is new—the hopes and interests of the world are identified with our success. Every thing with us is moulding and forming. Of necessity, conflicting claims will arise and threaten with disaster the best hopes of the country. With us the loss of a far-seeing and able statesman, who enjoys the cheerful suffrages of the great majority, is not only afflicting, but it may be perilous."

The peroration of this eloquent address is highly pathetic and inimitably beautiful, and with it we conclude the *LIFE OF SILAS WRIGHT*.

"We can scarcely suppose," says the orator, "that such an affecting example of the uncertainty of life, as this providence arrays before us, can fail of impressing serious reflections on the minds of all. It is difficult for me to imagine that degree of apathy and insensibility which will resist such a warning. Can one of the pillars of the nation be removed, and we feel it not? Can a friend the most familiar and kind retire,

and we heed it not? No. Our friend, thou hast waved us a long adieu, and we are overwhelmed! No more shall thy vigilance watch with solicitude the interests of our country! No more will thy voice, from the legislative halls, electrify the nation! No more shall thy smiles gladden the home which was ever happy in thy presence! Thou hast given up that home to loneliness, to solitude, and sorrow! Dark is the cloud which spreads over the habitation of thy widowed companion! Anguish thrills in all our hearts as we bid thee adieu, and lay thy remains down to rest in the slumber of the grave!"

We shall not attempt to portray minutely the character of *SILAS WRIGHT*. That portraiture is best delineated by the record of the story of his life. His candor, his integrity of purpose, his unaffected modesty, his benevolence, his great and vigorous intellectual power, which always rendered him equal to any emergency, and his lofty patriotism, are manifest in every act, and in every stage of his private and public life. There are, however, a few prominent features in the character of his mind, which, in reviewing his history, stand out in such bold relief, that it may be proper barely to allude to them.

One of the qualities for which he was more distinguished than almost any other man, was the entire absence of all selfishness, and an unbounded devotion to the interest and wishes of his friends, and to the cause of the political party to which he belonged. Perhaps men, scrupulously sensitive to error, may think that Mr. Wright sometimes yielded too much to what he deemed the interest of his own political party, and may refer to his conduct in the senate of this state in 1824, in relation to an electoral law, and his course in the United States house of representatives in 1828, on the tariff bill. These are the only instances in which, during more than

twenty years' public service, charges of this nature can be made against him with even the semblance of plausibility. But it must not be forgotten that Mr. Wright sincerely believed that the ascendancy of the party to which he belonged was essential to secure and promote the prosperity of his country, and its highest and most vital interest. While therefore we protest against the casuistic and false position, that the end justifies the means, or that one should "do evil that good may come," we insist that Mr. Wright may have conscientiously yielded his own judgment to that of the majority of his political friends on trifling and unimportant questions, for the purpose of contributing to that union and harmony among them, which was absolutely necessary in order to prevent their total prostration by the adverse party. Possibly, in the solitary instances mentioned, he may have erred, but such errors were those of the head, and not of his pure and honest heart.

In proof of his readiness to sacrifice his own ease and quiet, and his most favorite predilections, for the gratification of his friends, and the supposed advancement of the cause in which he was embarked, we refer to the consent which, with the most painful reluctance, he yielded to take upon himself the government of this state against his expressed wishes, and against what he knew to be his personal interest; and that he made this sacrifice partly with the view of securing the election of a man to the office of president of the United States, whose nomination to that office he had opposed. We may also, as evidence of his utter disregard to self-aggrandizement, his devotion to his friends, and his nice and high sense of honor, remind the reader of his refusal of a seat on the bench of the Supreme Court of the na-

tion, also of the second office in the government, and his declining a competition for the first.

"He was," says the Rev. Dr. Sprague, in his sermon from which we have quoted in the preceding chapter, "gifted with uncommon perception of the fitting and graceful in all the relations of life. While he had a high respect for plebeian honesty, and could, as occasion required, put on the plebeian himself, there was no circle of society so polished, but that he was as much at home in it as if it were the only sphere in which he had ever moved." His temper must have been by nature uncommonly peaceful and quiet. What politician has existed, either in England or America, who for twenty years was a leading and efficient member of a legislative body, a zealous and active party leader, and who had taken a decided part in all the exciting debates which legislation called forth, who was never drawn into a personal controversy, and who never wounded the feelings of the most sensitive opponent? Yet such a man was SILAS WRIGHT.

We will mention one other distinguishing trait in the character of the mind of Mr. Wright—a trait to which, in connection with his great talents and merit, he owed his splendid and uniform success in life. Though he possessed all the mental faculties incident to the human intellect, in great perfection and vigor, they were remarkably well balanced. "His blood and judgment were so well commingled" that he was always, even during the most exciting scenes, calm and quiet, self-possessed, and self-governed. He was firm, but not obstinate; benevolent, but not imprudent; cool and calculating, but not selfish; convivial, but not a devotee of pleasure; economical, but not avaricious; imagina-

tive, but not visionary; and an ardent friend, but liberal and kind to his opponents.

From the life of Silas Wright, the youth of our country may derive lessons of inestimable value.

"He has taught us," says Mr. Attorney-general Gilpin, in his eulogy on Mr. Wright, delivered before an association of young men in Philadelphia, "that unruffled content may be won; that the loftiest fame may be reached; that social relations, various and refined, may be happily enjoyed; that beneficence may be largely practised, in all its shades of public service and private intercourse, without the possession, nay, without the desire, of fortune, beyond the humblest competence. He has taught us that influence, and station, and power, may be used without once seeking to pervert them to a selfish or unworthy purpose; that manly adherence to political opinions, carefully formed and honestly maintained, is never inconsistent with the great obligations of conciliation, forbearance, and generous compromise; that honors declined can confer more happiness and glory than those which are received; that intelligence the brightest, in a sphere the most conspicuous, derives new lustre and wields more power from a modesty always unassuming, and a temper which never wounds; and, above all, that the blessings of domestic life, so endearing and attractive, may ever be preserved unsullied to soothe and cheer the hours most devoted to our country's service. If, indeed, this great and good man exhibited—as who can doubt?—the severe virtue, the steady purpose, the devoted patriotism, and the broad philanthropy that marked the character of the Roman statesman, let us not forget that he has taught us to blend with them *a spirit more gentle and forbearing*—that spirit which should distinguish a people whose bond is one of justice, reason, and affection, and to whom have been revealed the divine lessons of a milder and purer faith."

## APPENDIX.

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### NOTE—REFERRED TO IN PAGE 491.

AFTER the preceding sheets were in type the author received two original letters, on the subject of the nomination for the office of governor by the democratic state convention, written by Mr. Wright in 1844. These letters were written at Canton, three days before the meeting of the convention at Syracuse, and, beyond all doubt, express frankly and truly his feelings and wishes at that time. It is due to his memory that they should be published in connection with the history of his life; because,—although during the winter and summer of 1844, and until he was actually nominated for governor at Syracuse, Mr. Wright repeatedly and uniformly declared, as he had done in 1842,\* that he was unwilling to be a candidate for that office—that he earnestly desired the nomination of some other person—and that he *would not* be a candidate against any republican competitor in the convention,—many persons who thought Gov. Bouck ought to be renominated, (and the author was one of them,) believed, from the fact that several of Mr. Wright's most confidential friends urged, and continued at the convention to urge the nomination of Mr. W., that such nomination would not be entirely disagreeable to him. If any such suspicion is at this day entertained, the following letters must dispel all doubt from the minds of the most skeptical.

These letters must have been delivered to Messrs. Allen and Russell, who were delegates from St. Lawrence county, at the

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\* See Gov. Wright's letter to Judge Fine, page 307.

moment of their departure for Syracuse, as they bear date the 31st of August, and the convention met on the 2d of September. One of the letters was addressed to those gentlemen in their official capacity, probably with the view that it should be communicated to the convention, or to some of its leading members; and the other, which we have marked B, on which was inscribed the word "*private*," in Gov. Wright's own handwriting, was sacredly confidential. Can there be the least possible doubt that this letter, which was intended to contain, and did contain, the last words of Mr. Wright on the subject of the gubernatorial nomination, and which was addressed to the delegates from his own county, both of whom were his personal friends, speaks the honest sentiments of his heart?

In this communication Mr. Wright not only disclaims any wish to be a candidate, or indeed any desire for the office of governor, but there runs through the whole of it a tone of supplication and entreaty that his two friends would exert their most strenuous efforts to relieve him from the necessity of making the sacrifice "of personal feeling, domestic feeling, private interest, and public prospects for the future"—a sacrifice which he foresaw would result from his acceptance of the office of governor.

The author is indebted for these letters to the courtesy and kindness of the Hon. Horace Allen and the Hon. John Fine, to whom the originals will be returned.

[ A. ]

"CANTON, August 31, 1844.

"GENTLEMEN—As the delegates to represent this county in the state convention, to be held at Syracuse on the 4th day of the next month, I find it necessary to trouble you with a communication of a personal character.

"You are well aware that my name has been used in connection with the nomination of a republican candidate for the office of governor of the state, a nomination which the convention of which you are members is to make. I believe you also know that I do not desire that office, and that my name has been used as a candidate for it without my consent, and against my wishes.

That you may be possessed of the position which I have felt myself compelled publicly to assume upon this subject, I hand you, enclosed, a copy of a publication made in the St. Lawrence Republican, at my request, on the sixth day of the present month. By that position it has been, and is my purpose—as I consider it to be my duty—strictly to adhere; and if any use of my name, since it was thus distinctly assumed, has seemed to be in conflict with it, I can only say, that it has been without my authority, as it has been against my determinations thus explicitly pronounced. I cannot express more reluctance than I feel against the use of my name as a candidate for the office of governor, under any circumstances; and I have only been restrained from going further, in limiting, or wholly interdicting that use, from the fear that I should transcend my rights as a member of the democratic party of the state, in the present enjoyment of its honors and rewards, or violate my duty to that great political party which has been so faithful and liberal to me through a long term of years.

"The length to which I have gone appears to me to be in strict accordance with my rights and my duties. To refuse to become the instrument of an interruption of the harmony of feeling or action of the democratic party of our state, is an obligation upon me, strengthened and enforced by every favor I have received from it, and every honor it has conferred upon me, and not to obey it would be, in my estimation, the most palpable violation of a plain duty on my part.

"Hence I have said that, 'I have no right, in my judgment, to become, and cannot, under any circumstances, consent to be made a competitor for the nomination, either before the people or the state convention, against any republican who is, or who may become a candidate.'

"Before the people I have done all in my power to avoid being placed in the position of a competitor for this nomination; and I now invoke your aid to enable me, if it shall become necessary, to redeem my pledge, as it respects the convention. I entertain the confident hope that you will not, under any circumstances, feel it to be your duty, as delegates from this county, to place my name before the convention at all; and should it be brought before it by others, in a manner to place it in conflict or competition with any other name before the body as a candidate, I not only authorize you severally, but enjoin it upon you, so far as you will permit me to do that, or so far as I have the right of a constituent to do it, to withdraw it wholly, and to declare for me, that I cannot accept a nomination made against a resistance of the friends of any other candidate. The only right of our party to command the use of my name, as I think, is to secure its harmony of feeling and action; and when these cannot be secured by its use, the duty upon me promptly to withdraw it altogether, appears to me as plain as the right to do so does clear and unquestionable.

"I am sure, gentlemen, you each sufficiently know and appreciate my

feelings upon this delicate and responsible subject to be willing to comply with the request I make, when you are assured it is made more strongly under the sense of a solemn and imperious public duty, which I should not fail fully to discharge, than in the spirit of the assertion of a right, although to be exercised so much in accordance with my personal feelings and wishes.

"I am, gentlemen, with great respect,

"Your obedient servant,

"SILAS WRIGHT.

"Messrs. HORACE ALLEN and JOHN L. RUSSELL, Esqrs., Delegates, &c."

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(PRIVATE.)

[ B. ]

"CANTON, August 31, 1844.

MY DEAR SIR—Enclosed I hand you a duplicate of the communication of which we spoke, and which I promised to place in the hands of yourself and Mr. Russell in the course of our conversation on Thursday. I have made duplicates, because it may be more convenient that both Mr. Russell and yourself should have a copy, and I place the other in his hands. I do not know that I can add any thing to the views which I offered in that conversation, and what I have said in the enclosed. *If the renomination of Gov. Bouck can be made satisfactory to the convention and our party, I shall be most happy at such a result.\** If that cannot be done, and the convention can agree to set aside both his name and mine, and take that of some worthy member of the party who has not been brought before the public, I verily believe more entire harmony of feeling and action will be likely to be secured. In any event, I cannot look upon my nomination as promising auspicious results, present or future; and I cannot be mistaken in insisting that my name should not be used in any event, but with the free assent of the friends of all other candidates, and most especially those of Gov. B. I do not anticipate that such assent will be met with, and I entreat that Mr. Russell and yourself will not hesitate for a moment to withdraw my name wholly, in case it shall be brought before the convention, and shall become the subject of any difference of opinion or feeling among its members.

"It must be true that, if entire harmony cannot be experienced, my name should not be made the cause of any degree of division. My position and the place I now hold should forbid that, and should distinguish me from other candidates not similarly situated, if there is to be division. Hence I have given to the communication enclosed the shape I have, and this is the spirit in which I have made the request it contains, and in which I wish to have that request understood and carried out.

\* The passages in *italics* have been so distinguished by J. D. H.

" You will pardon me, I hope, for referring here to my personal feelings upon this subject. *I cannot, as I have said, express more reluctance than I feel against being a candidate for this office under any circumstances,* and my reasons rest upon considerations of personal feeling, domestic feeling, private interest, and public prospects for the future, so far as I can read them, as connected with myself and my services. I will not attempt to detail these considerations to you as they pass through my own mind, but will express the earnest hope, that Mr. Russell and yourself will find it consistent with your sense of your responsible duties **as** members of the convention, so far from using efforts to throw this nomination upon me, to be the means of averting that result. I do not **ask** you to violate any duty to the public to favor my personal wishes, but I do hope that it may be found expedient not to attempt the use of my name at all; and if brought before the convention, I will rest assured that both of you will be prompt to withdraw it wholly, the moment the contingency shall happen upon which I have based that request.

" Pardon me for giving you so much trouble. I shall not give Mr. Russell a copy of this private note, but shall read this to him before I enclose it for you.

" You must not consider me, in either of these communications, **as** holding or treating lightly our success in the state at the pending election. With harmony of feeling and action, success is, in my deliberate opinion, perfectly in the power of our party, and I will make any sacrifice in my power to produce that harmony. Still, with it, I do not think it at all material what name is upon our ticket for governor: success would, in my judgment, be equally certain with any; while, without it, there will be danger with any name, and I should not be the man to appear to cause division. These are my convictions, most deeply entertained.

" In much haste, I am most truly yours,

" **SILAS WRIGHT.**

" **HON. HORACE ALLEN.**"

THE END.





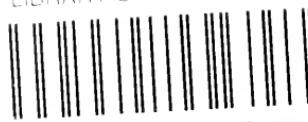








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